U.S. DEPARTMENT OF COMMERCE
National Technical Information Service

PB-290 296

Air Pollution Regulations in State Implementation Plans: Washington

Abcor Inc, Wilmington, MA Walden Div

Prepared for

Environmental Protection Agency, Research Triangle Park, NC

Aug 78

PB 290296

United States
Environmental Protection
Agency

Office of Air Quality
Planning and Standards
Research Triangle Park NC 27711

EPA-450/3-78-097
August 1978

Air

EPA

Air Pollution Regulations in State Implementation Plans:

Washington

REPRODUCED BY
NATIONAL TECHNICAL
INFORMATION SERVICE
U. S. DEPARTMENT OF COMMERCE
SPRINGFIELD, VA. 22161

TECHNICAL REPORT DATA
(Please read Instructions on the reverse before completing)

1. REPORT NO. EPA-450/3-78-097

2.

3. RECIPIENT'S ACCESSION NO. PB 290 296

4. TITLE AND SUBTITLE Air Pollution Regulations in State Implementation Plans: Washington

5. REPORT DATE August 1978

6. PERFORMING ORGANIZATION CODE

7. AUTHOR(S)

8. PERFORMING ORGANIZATION REPORT NO.

9. PERFORMING ORGANIZATION NAME AND ADDRESS
Walden Division of Abcor, Inc.
Wilmington, Mass.

10. PROGRAM ELEMENT NO.

11. CONTRACT/GRANT NO. 68-02-2890

12. SPONSORING AGENCY NAME AND ADDRESS
Control Programs Development Division
Office of Air Quality Planning and Standards
Office of Air, Noise, and Radiation
Research Triangle Park, NC 27711

13. TYPE OF REPORT AND PERIOD COVERED

14. SPONSORING AGENCY CODE

15. SUPPLEMENTARY NOTES
EPA Project Officer: Bob Schell, Control Programs Development Division

16. ABSTRACT

This document has been produced in compliance with Section 110(h)(1) of the Clean Air Act amendments of 1977. The Federally enforceable regulations contained in the State Implementation Plans (SIPs) have been compiled for all 56 States and territories (with the exception of the Northern Mariana Islands). They consist of both the Federally approved State and/or local air quality regulations as indicated in the Federal Register and the Federally promulgated regulations for the State, as indicated in the Federal Register. Regulations which fall into one of the above categories as of January 1, 1978, have been incorporated. As mandated by Congress, this document will be updated annually. State and/or local air quality regulations which have not been Federally approved as of January 1, 1978, are not included here; omission of these regulations from this document in no way affects the ability of the respective Federal, State, or local agencies to enforce such regulations.

17. KEY WORDS AND DOCUMENT ANALYSIS

a. DESCRIPTORS	b. IDENTIFIERS/OPEN ENDED TERMS	c. COSATI Field/Group
Air pollution Federal Regulations Pollution State Implementation Plans		

18. DISTRIBUTION STATEMENT RELEASE UNLIMITED

19. SECURITY CLASS *(This Report)* Unclassified

20. SECURITY CLASS *(This page)* Unclassified

21. NO. OF PAGES 378

22. PRICE PC A17 / MF A01

EPA Form 2220-1 (9-73)

EPA-450/3-78-097 Air Pollution Regulations in State Implementation Plans: Washington

ia

EPA-450/3-78-097

Air Pollution Regulations in State Implementation Plans:

Washington

by

Walden Division of Abcor, Inc.
Wilmington, Massachusetts

Contract No. 68-02-2890

EPA Project Officer: Bob Schell

Prepared for

U.S. ENVIRONMENTAL PROTECTION AGENCY
Office of Air, Noise, and Radiation
Office of Air Quality Planning and Standards
Research Triangle Park, North Carolina 27711

August 1978

ib

This report is issued by the Environmental Protection Agency to report air pollution regulations of interest to a limited number of readers. Copies are available, for a fee, from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161.

This report was furnished to the Environmental Protection Agency by Walden Division of Abcor, Inc., Wilmington, Mass. 01887, in fulfillment of Contract No. 68-02-2890. The contents of this report are reproduced herein as received from Walden Division of Abcor, Inc. The opinions, findings, and conclusions expressed are those of the author and not necessarily those of the Environmental Protection Agency. Mention of company or product names is not to be considered as an endorsement by the Environmental Protection Agency.

Publication No. EPA-450/3-78-097

INTRODUCTION

This document has been produced in compliance with Section 110(h)(1) of the Clean Air Act Amendments of 1977. The Federally enforceable regulations contained in the State Implementation Plans (SIPs) have been compiled for all 56 States and territories (with the exception of the Northern Mariana Islands). They consist of both the Federally approved State and/or local air quality regulations as indicated in the Federal Register and the Federally promulgated regulations for the State, as indicated in the Federal Register. Regulations which fall into one of the above categories as of January 1, 1978, have been incorporated. As mandated by Congress, this document will be updated annually. State and/or local air quality regulations which have not been Federally approved as of January 1, 1978, are not included here; omission of these regulations from this document in no way affects the ability of the respective Federal, State, or local agencies to enforce such regulations.

There have been recent changes in the Federal enforceability of parking management regulations and indirect source regulations. The October, 1977, appropriation bill for EPA prohibited Federal enforcement of parking management regulations in the absence of specific Federal authorizing legislation. Federally promulgated parking management regulations have, therefore, been suspended indefinitely. Pursuant to the 1977 Clean Air Act Amendments, indirect source regulations may not be required for the approval of a given SIP. Consequently, any State adopted indirect source regulations may be suspended or revoked; State adopted indirect source regulations contained in an applicable SIP are Federally enforceable. More importantly, EPA may only promulgate indirect source review regulations which are specific to Federally funded, operated, or owned facilities or projects. Therefore, the Federally promulgated indirect source regulations appearing in this document are not enforceable by EPA except as they relate to Federal facilities.

Since State air quality regulations vary widely in their organization, content, and language, a standardized subject index is utilized in this document. Index listings consist of both contaminant and activity oriented categories to facilitate usage. For example, for regulations which apply to copper smelters, one might look under sulfur compounds (50.2), particulate matter process weight (50.1.1), or copper smelters (51.15). Federal regulations pertaining to a given State immediately follow the approved State and local regulations.

Additionally, a summary sheet of the information included in each comprehensive document is presented prior to the regulatory text to allow one to quickly assess the contents of the document. Specifically, the summary sheets contain the date of submittal to EPA of each revision to the SIP and the date of the Federal Register in which the revision was either approved or disapproved by EPA. Finally, a brief description or reference of the regulation which was submitted is also included.

This document is not intended to provide a tool for determining the enforceability of any given regulation. As stated above, it is intended to provide a comprehensive compilation of those regulations which are incorporated directly or by reference into Title 40, Part 52, of the Code of Federal Regulations. Consequently, the exclusion of a Federally approved regulation from this document does not diminish the enforceability of the regulation. Similarly, the inclusion of a given regulation (for example, regulations governing pollutants, such as odors, for which there is no national ambient air quality standards) in this document does not, in itself, render the regulation enforceable.

SUMMARY SHEET
OF
EPA-APPROVED REGULATION CHANGES

WASHINGTON

Submittal Date	Approval Date	Description
7/18/72	10/28/72	WAC 18-02, Puget Sec 1, 3, 5, 6, 7, 9, 11, 12
2/15/73	6/20/73	WAC 18-04, 18-06, 18-12, 18-40
10/11/73	2/25/74	WAC 18-24 Note: 18-24 disapproved
6/14/74	11/21/74	WAC 18-24
9/10/73	10/29/75	WAC 18-12, Puget Sec 1, 9, Northwest Sec 501, Yakima Co. Article V, VI, Olympic Article 9
5/23/75	10/29/75	Grant, Douglas, BF-WW, Spokane County Reg II, APCA Sec 6.01
11/6/75	5/25/76	Olympic Article 9

FEDERAL REGULATIONS

Section Number	Description
52.2474	Public Availability of Emission Data
52.2477	Source Surveillance
52.2481	Compliance Schedule
52.2485	Inspection and Maintenance Program
52.2486	Management of Parking Supply
52.2490	Air Bleed to Intake Manifold Retrofit
52.2491	Exhaust Gas Recirculation - Air Bleed
52.2492	Computer Carpool Matching System

Section Number	Description
52.2493	Transit Improvement Measures
52.2494	Bike Lanes and Bike Racks
52.2497	Prevention of Significant Deterioration

DOCUMENTATION OF CURRENT EPA-APPROVED STATE AIR POLLUTION REGULATIONS

REVISED STANDARD SUBJECT INDEX

1.0 DEFINITIONS

2.0 GENERAL PROVISIONS AND ADMINISTRATIVE PROCEDURES

3.0 REGISTRATION CERTIFICATES, OPERATING PERMITS AND APPLICATIONS

4.0 AIR QUALITY STANDARDS (PRIMARY AND SECONDARY)

  4.1 PARTICULATES

  4.2 SULFUR DIOXIDE

  4.3 NITRIC OXIDES

  4.4 HYDROCARBONS

  4.5 CARBON MONOXIDE

  4.6 OXIDANTS

  4.7 OTHERS

5.0 VARIANCES

6.0 COMPLIANCE SCHEDULES

7.0 EQUIPMENT MALFUNCTION AND MAINTENANCE

8.0 EMERGENCY EPISODES

9.0 AIR QUALITY SURVEILLANCE AND SOURCE TESTING

10.0 NEW SOURCE PERFORMANCE STANDARDS

11.0 NATIONAL EMISSIONS STANDARDS FOR HAZARDOUS AIR POLLUTANTS

12.0 MOTOR VEHICLE EMISSIONS AND CONTROLS

13.0 RECORD KEEPING AND REPORTING

14.0 PUBLIC AVAILABILITY OF DATA

15.0 LEGAL AUTHORITY AND ENFORCEMENT

16.0 HEARINGS, COMPLAINTS, AND INVESTIGATIONS

17.0 PREVENTION OF SIGNIFICANT DETERIORATION

18.0 AIR QUALITY MAINTENANCE AREA

19.0 - 49.0
RESERVED FOR FUTURE EXPANSION OF COMMON INDEX

50.0 POLLUTANT - SPECIFIC REGULATIONS

  50.1 PARTICULATES

    50.1.1 PROCESS WEIGHT

    50.1.2 VISIBLE EMISSIONS

    50.1.3 GENERAL

  - 50.2 SULFUR COMPOUNDS
  - 50.3 NITRIC OXIDES
  - 50.4 HYDROCARBONS
  - 50.5 CARBON MONOXIDE
  - 50.6 ODOROUS POLLUTANTS
  - 50.7 OTHERS (Pb, Hg, etc.)
- 51.0 SOURCE CATEGORY SPECIFIC REGULATIONS
  - 51.1 AGRICULTURAL PROCESSES (includes Grain Handling, Orchard Heaters, Rice and Soybean Facilities, Related Topics)
  - 51.2 COAL OPERATIONS (includes Cleaning, Preparation, Coal Refuse Disposal Areas, Coke Ovens, Charcoal Kilns, Related Topics)
  - 51.3 CONSTRUCTION (includes Cement Plants, Materials Handling, Topics Related to Construction Industry)
  - 51.4 FERROUS FOUNDRIES (includes Blast Furnaces, Related Topics)
  - 51.5 FUEL BURNING EQUIPMENT (coal, natural gas, oil) - Particulates (includes Fuel Content and Other Related Topics)
  - 51.6 FUEL BURNING EQUIPMENT (coal, natural gas, oil) - SO_2 (includes Fuel Content and Other Related Topics)
  - 51.7 FUEL BURNING EQUIPMENT (oil, natural gas, coal) - NO_2 (includes Fuel Content and Other Related Topics)
  - 51.8 HOT MIX ASPHALT PLANTS
  - 51.9 INCINERATION
  - 51.10 NITRIC ACID PLANTS
  - 51.11 NON-FERROUS SMELTERS (Zn, Cu, etc.) - Sulfur Dioxide
  - 51.12 NUCLEAR ENERGY FACILITIES (includes Related Topic)
  - 51.13 OPEN BURNING (includes Forest Management, Forest Fire, Fire Fighting Practice, Agricultural Burning and Related Topics)
  - 51.14 PAPER PULP; WOOD PULP AND KRAFT MILLS (includes Related Topics)
  - 51.15 PETROLEUM REFINERIES
  - 51.16 PETROLEUM STORAGE (includes Loading, Unloading, Handling and Related Topics)
  - 51.17 SECONDARY METAL OPERATIONS (includes Aluminum, Steel and Related Topics)
  - 51.18 SULFURIC ACID PLANTS
  - 51.19 SULFURIC RECOVERY OPERATIONS
  - 51.20 WOOD WASTE BURNERS
  - 51.21 MISCELLANEOUS TOPICS

TABLE OF CONTENTS

STATE REGULATIONS

Revised Standard Subject Index	Section Number	Title	Page
(13.0)	Chapter 18-02 WAC	Record-Keeping, Reporting and Public Availability of Emission Data	1
(2.0)	WAC 18-02-010	Purpose	1
(2.0)	WAC 18-02-020	Classification	1
(13.0)	WAC 18-02-030	Record-Keeping and Reporting	2
(14.0)	WAC 18-02-040	Public Availability of Emission Data	2
(1.0)	WAC 18-02-050	Definitions	2
(2.0)	Chapter 18-04 WAC	General Regulation For Air Pollution Sources	3
(2.0)	WAC 18-04-010	Purpose	3
(2.0)	WAC 18-04-020	Applicability	3
(1.0)	WAC 18-04-030	Definitions	3
(50.0)	WAC 18-04-040	General Standards For Maximum Permissible Emissions	5
(51.9)	WAC 18-04-050	Minimum Emission Standards For Combustion and Incineration Sources	8
(50.1.1)	WAC 18-04-060	Minimum Emission Standards For General Process Sources	8
(50.0)	WAC 18-040070	Minimum Standards For Certain Source Categories	8
(6.0)	WAC 18-04-080	Compliance Schedules	11
(2.0)	WAC 18-04-090	Sensitive Area Designation	13

Revised Standard Subject Index	Section Number	Title	Page
(3.0)	WAC 18-04-100	Registration and General Reporting	13
(2.0)	WAC 18-04-110	Notice of Construction	14
(9.0)(13.0)	WAC 18-04-120	Monitoring and Special Reporting	14
(15.0)	WAC 18-04-130	Regulatory Actions	15
(2.0)	WAC 18-04-140	Appeals	16
(5.0)	WAC 18-04-150	Variance	17
(2.0)	Chapter 18-06	Sensitive Areas	18
(2.0)	WAC 18-06-010	Purpose	18
(2.0)	WAC 18-06-020	Applicability	18
(1.0)	WAC 18-06-030	Definitions	18
(2.0)	WAC 18-06-040	Sensitive Areas Designated	18
(2.0)	WAC 18-06-050	Standards	19
(8.0)	Chapter 18-08 WAC	Emergency Episode Plan	21
(2.0)	WAC 18-08-010	Purpose	21
(1.0)	WAC 18-08-020	Definitions	21
(8.0)	WAC 18-08-030	Episode Stage Criteria	22
(8.0)	WAC 18-08-040	Source Emission Reduction Plans	24
(8.0)	WAC 18-08-050	Action Procedures	25
(15.0)	WAC 18-08-060	Enforcement	25
(51.13)	Chapter 18-12 WAC	Open Burning	27
(2.0)	WAC 18-12-010	Purpose	27
(2.0)	WAC 18-12-020	Applicability	27

Revised Standard Subject Index	Section Number	Title	Page
(1.0)	WAC 18-12-030	Definitions	27
(8.0)	WAC 18-12-035	Episodes	28
(51.13)	WAC 18-12-045	Prohibited Materials	28
(2.0)	WAC 18-12-055	Exceptions	29
(51.13)	WAC 18-12-065	Residential Open Burning	29
(51.13)	WAC 18-12-075	Commercial Open Burning	30
(51.13)	WAC 18-12-085	Agricultural Open Burning	31
(51.13)	WAC 18-12-095	No Burn Area Designation	32
(51.13)	WAC 18-12-100	Delegation of Agricultural Open Burning Program	33
(51.13)	WAC 18-12-110	Certification of Alternatives to Open Burning	33
(51.13)	WAC 18-12-120	Department of Natural Resources - Smoke Management Plan	33
(2.0)	WAC 18-12-130	Notice of Violation	34
(2.0)	WAC 18-12-140	Remedies	34
(51.13)	Chapter 18-16 WAC	Burning of Field and Turf Grasses Grown for Seed	35
(2.0)	WAC 18-16-010	Policy and Purpose	35
(1.0)	WAC 18-16-020	Definitions	35
(6.0)	WAC 18-16-030	Compliance Program	36
(51.13)	WAC 18-16-040	Mobile Field Burners	37
(2.0)	WAC 18-16-050	Other Approvals	37
(2.0)	Chapter 18-20 WAC	Establishing Requirements For the Receipt of State Financial Aid	38

Revised Standard Subject Index	Section Number	Title	Page
(2.0)	WAC 18-20-010	Standards of Purpose and Applicability	38
(1.0)	WAC 18-20-020	Definitions	38
(2.0)	WAC 18-20-030	Limitations	38
(3.0)	WAC 18-20-040	Applications	39
(2.0)	WAC 18-20-050	Workable Program	40
(2.0)	WAC 18-20-060	Grant Conditions	41
(2.0)	WAC 18-20-070	Payments	41
(2.0)	WAC 18-20-080	Changes, Amendments and Supplemental State Financial Aid	42
(2.0)	WAC 18-20-090	Termination	43
(2.0)	WAC 18-20-100	Federal Grants	43
(12.0)	Chapter 18-24	State Jurisdiction Over Motor Vehicles	44
(2.0)	WAC 18-24-010	Statement of Purpose and Applicability	44
(1.0)	WAC 18-24-020	Definitions As Used In This Chapter	44
(2.0)	WAC 18-24-030	Assumption of Jurisdiction	45
(12.0)	WAC 18-24-040	Standards of Motor Vehicles	45
(2.0)	WAC 18-24-050	Effective Date	46
(2.0)	WAC 18-24-060	Delegation	46
(2.0)	WAC 18-24-070	Applicability of Complex Source Provisions	46
(2.0)	WAC 18-24-080	Fee	47

Revised Standard Subject Index	Section Number	Title	Page
(2.0)	WAC 18-24-090	Review of Proposed Construction or Modification	47
(2.0)	WAC 18-24-100	Duration of Approval Orders	49
(2.0)	WAC 18-24-110	General Responsibilities	50
(2.0)	WAC 18-24-120	Information In Environmental Impact Statements	50
(2.0)	WAC 18-24-130	Sanctions	50
(51.12)(51.14) (51.17)	Chapter 18-28 WAC	Information Reporting By Thermal Power Plants, Aluminum Plants and Chemical Wood Pulp Mills	51
(2.0)	WAC 18-28-010	Statement of Purpose and Applicability	51
(1.0)	WAC 18-28-020	Definitions	51
(2.0)	WAC 18-28-030	Submission of Information	51
(2.0)	WAC 18-28-040	Interim Procedure	52
(14.0)	WAC 18-28-050	Confidential Information	53
(50.5)	Chapter 18-32 WAC	Carbon Monoxide Regulation	54
(2.0)	WAC 18-32-010	Preamble	54
(1.0)	WAC 18-32-020	Definitions	54
(4.5)	WAC 18-32-030	Air Quality Standard	55
(2.0)	WAC 18-32-040	Air Quality Objective	55
(2.0)	WAC 18-32-050	------	55
(9.0)(13.0)	WAC 18-32-060	Method of Determination and Reporting for Continuous Infrared Analysis	56
(51.14)	Chapter 18-36	Kraft Pulping Mills	59

Revised Standard Subject Index	Section Number	Title	Page
(2.0)	WAC 18-36-010	Statement of Policy and Purpose	59
(1.0)	WAC 18-36-020	Definitions	59
(2.0)	WAC 18-36-030	Emission Standards	61
(6.0)	WAC 18-36-040	Compliance	62
--	WAC 18-36-045	Repealed	62
(16.0)	WAC 18-36-050	Public Hearing	62
(51.14)	WAC 18-36-060	More Restrictive Emission Standards	62
(9.0)(13.0)	WAC 18-36-070	Monitoring and Reporting	62
(2.0)	WAC 18-36-080	Notice of Construction and Submission of Plans and Specifications	63
(2.0)	WAC 18-36-090	Special Studies	64
(2.0)	WAC 18-36-100	Exemption	64
(51.14)	Chapter 18-38 WAC	Sulfite Pulping Mills	65
(2.0)	WAC 18-38-010	Statement of Policy and Purpose	65
(1.0)	WAC 18-38-020	Definitions	66
(4.0)	WAC 18-38-030	Emission Standards	67
(4.0)	WAC 18-38-040	More Restrictive Emission Standards	68
(6.0)	WAC 18-38-050	Compliance Schedule	69
(9.0)(13.0)	WAC 18-38-060	Monitoring and Reporting	70
(2.0)	WAC 18-38-070	Special Studies	72
(2.0)	WAC 18-38-080	Exceptions	72

Revised Standard Subject Index	Section Number	Title	Page
(2.0)	WAC 18-38-090	Notice of Construction and Submission of Plans and Specifications	72
(50.1)	Chapter 18-40 WAC	Suspended Particulate Regulation	74
(2.0)	WAC 18-40-010	Preamble	74
(1.0)	WAC 18-40-020	Definitions	74
(4.0)	WAC 18-40-030	Air Quality Standard	75
(2.0)	WAC 18-40-040	Air Quality Objective	76
(9.0)	WAC 18-40-050	Method of Measurement	76
(13.0)	WAC 18-40-060	Reporting of Data	76
(4.1)	Chapter 18-44 WAC	Particle Fallout Standards	77
(2.0)	WAC 18-44-010	Preamble	77
(1.0)	WAC 18-44-020	Definitions	77
(4.0)	WAC 18-44-030	Air Quality Standard	78
(2.0)	WAC 18-44-040	Air Quality Objective	79
(9.0)	WAC 18-44-050	Method of Measurement and Analysis	79
(13.0)	WAC 18-44-060	Reporting of Data	79
(50.1)	Chapter 18-44 WAC	Particle Fallout Regulation	81
(2.0)	WAC 18-44-010	Preamble	81
(1.0)	WAC 18-44-020	Definitions	81
(2.0)	WAC 18-44-040	Air Quality Objective	82
(9.0)	WAC 18-44-050	Method of Measurement and Analysis	82
(13.0)	WAC 18-44-060	Reporting of Data	82

Revised Standard Subject Index	Section Number	Title	Page
(50.3)(50.4)	Chapter 18-46 WAC	Photochemical Oxidant, Hydrocarbons, Nitrogen Dioxide	84
(2.0)	WAC 18-46-010	Preamble	84
(1.0)	WAC 18-46-020	Definitions	84
(4.0)	WAC 18-46-030	Air Quality Standards	85
(9.0)	WAC 18-46-040	Measurement	85
(13.0)	WAC 18-46-050	Reporting of Data	85
(4.7)	Chapter 18-48 WAC	Fluoride Standards	86
(2.0)	WAC 18-48-080	Preamble	86
(2.0)	WAC 18-48-090	Policy Limitations	86
(1.0)	WAC 18-48-100	Definitions	86
(2.0)	WAC 18-48-110	Intent of Regulations	87
(4.7)	WAC 18-48-120	Forage Standards	87
(4.0)	WAC 18-48-130	Ambient Air Standards	87
(2.0)	WAC 18-48-140	Compliance With Standards	88
(9.0)	WAC 18-48-150	Sampling and Analysis	88
(51.17)	Chapter 18-52 WAC	Primary Aluminum Plants	89
(2.0)	WAC 18-52-010	Statement of Purpose	89
(2.0)	WAC 18-52-015	Objectives	89
(1.0)	WAC 18-52-020	Definitions	89
(4.0)	WAC 18-52-030	Emissions Standards	91
(4.0)	WAC 18-52-040	Revision of Emission Standards	91
(6.0)	WAC 18-52-050	Compliance	91

Revised Standard Subject Index	Section Number	Title	Page
(9.0)	WAC 18-52-060	Monitoring	92
(13.0)	WAC 18-52-070	Reporting	92
(2.0)	WAC 18-52-080	Special Studies	93
(4.2)	Chapter 18-56 WAC	Sulfur Oxide Standards	95
(2.0)	WAC 18-56-010	Preamble	95
(1.0)	WAC 18-56-020	Definitions	95
(4.0)	WAC 18-56-030	Air Quality Standards	96
(2.0)	WAC 18-56-040	Air Quality Objective	96
(9.0)	WAC 18-56-050	Method of Measurement	96
(13.0)	WAC 18-56-060	Data Reporting	97
(50.0)	Chapter 18-60 WAC	Establishing Procedures For Implementing Regulations Applicable to Emissions From Particular Types and Classes of Air Contaminant Sources, Regulatory Orders Containing Compliance Schedules	98
(2.0)	WAC 18-60-010	Policy and Purpose	98
(1.0)	WAC 18-60-020	Definitions	98
(2.0)	WAC 18-60-030	Procedure	99
(15.0)	WAC 18-60-040	Penalty	100
(14.0)	WAC 18-60-050	Public Information	100
(6.0)	WAC 18-36-040	Compliance	101
(6.0)	WAC 18-52-050	Compliance	101

Northwest Air Pollution Authority

Revised Standard Subject Index	Section Number	Title	Page
--	Regulation 1	--	102
--	Chapter I	Organization and General Provisions	102
(2.0)	Section 1.01	Name of Authority	102
(2.0)	Section 1.02	Short Title	102
(2.0)	Section 1.03	Policy	102
(2.0)	Section 1.05	Duties and Powers	103
(16.0)	Section 1.07	Investigations and Studies	103
(14.0)	Section 1.09	Confidential Information	104
(15.0)	Section 1.11	Violations - Notice	104
(16.0)	Section 1.13	Orders and Hearings	104
(16.0)	Section 1.15	Appeals From Board Orders	105
(16.0)	Section 1.17	Status of Orders on Appeal	105
(2.0)	Section 1.19	Interference or Obstruction	105
(2.0)	Section 1.21	False and Misleading Oral Statements: Unlawful Reproduction or Alteration of Documents	105
(2.0)	Section 1.23	Display of Orders, Certificates and other Notices: Removal or Mutilation Prohibited	106
(2.0)	Section 1.25	Service of Notice	106
(2.0)	Section 1.27	Separability	106
(15.0)	Section 1.29	Penalty	107
(15.0)	Section 1.30	Civil Penalty	107

Revised Standard Subject Index	Section Number	Title	Page
(15.0)	Section 1.31	Additional Enforcement	107
(1.0)	Section 1.33	General Definitions	108
(2.0)	Section 1.35	Adoption of State Law	111
--	Chapter II	Ambient Air Quality Objective's	112
(2.0)	Section 2.01	Foreword	112
(2.0)	Section 2.03	Ambient Air Quality Areas	112
(4.0)	Section 2.05	Ambient Air Quality Objectives	113
(2.0)	Section 2.07	Application of Objectives	115
--	Regulation 2	----	116
--	Chapter I	Control Procedures	116
(2.0)	Section 1.01	Short Title	116
(3.0)	Section 1.03	Registration Required	116
(2.0)	Section 1.04	Approval to Operate Required	116
(3.0)	Section 1.05	General Requirements for Registration	116
(2.0)	Section 1.07	Notice of Construction - When Required	119
(3.0)	Section 1.09	Information Required for Notice of Construction and Application for Approval	119
(2.0)	Section 1.11	Issuance of Approval or Order	120
(2.0)	Section 1.13	Notice of Completion - Order of Violation	122
(9.0)	Section 1.14	Testing and Sampling	122

Revised Standard Subject Index	Section Number	Title	Page
(2.0)	Section 1.15	Conditional Approval	123
(2.0)	Section 1.16	Transfer	124
(5.0)	Section 1.17	Variances	124
(2.0)	Chapter II	Emission Standards	126
(2.0)	Section 2.01	Introduction	126
(50.1.2)	Section 2.05	Emission of Air Contaminant: Visual Standard	126
(51.9)	Section 2.07	Incinerator Burning	128
(51.13)	Section 2.09	Refuse Burning Equipment: Time Restriction	128
(50.2)	Section 2.11	Emission of Sulfur Compounds	128
(50.2)	Section 2.12	Emission of Sulfur Compounds	131
(50.1)	Section 2.13	Emission of Particulate Matter	133
(50.6)	Section 2.15	Odor Control Measures	134
(50.7)	Section 2.16	General Nuisance	134
(2.0)	Section 2.17	Emission of Air Contaminent: Concealment and Masking	134
(50.11)	Section 2.19	Preventing Particulate Matter From Becoming Airborne	134
(7.0)	Section 2.21	Report of Breakdown	135
(50.7)	Section 2.23	Fluorides	135
(51.13)	Section 501	Outdoor Fires - General	137

Puget Sound Air Pollution Control Agency

Revised Standard Subject Index	Section Number	Title	Page
(1.0)(2.0)	Article 1	Policy, Short Title and Definitions	140
(2.0)	Section 1.01	Policy	140
(2.0)	Section 1.03	Name of Agency	140
(2.0)	Section 1.05	Short Title	140
(1.0)	Section 1.07	General Definitions	140
(2.0)	Article 3	General Provisions	145
(16.0)	Section 3.01	Duties and Powers of the Board	145
(9.0)	Section 3.03	Investigations and Studies by the Control Officer	145
(9.0)	Section 3.05	Investigation by Control Officer	145
(14.0)	Section 3.07	Confidential Information	146
(15.0)	Section 3.09	Violations - Notice	146
(16.0)	Section 3.11	Orders and Hearings	146
(16.0)	Section 3.12	Appeals From Board Orders	146
(2.0)	Section 3.13	Status of Orders on Appeal	146
(2.0)	Section 3.15	Interfering With or Obstructing Agency Personnel	147
(2.0)	Section 3.17	False and Misleading Oral Statements: Unlawful Reproduction or Alteration of Documents	147
(2.0)	Section 3.19	Display of Orders, Certificates and Other Notices: Removal or Mutilation Prohibited	147

Revised Standard Subject Index	Section Number	Title	Page
(2.0)	Section 3.21	Service of Notice	147
(2.0)	Section 3.23	Separability	148
(15.0)	Section 3.25	Penalty	148
(15.0)	Section 3.27	Additional Enforcement	148
(15.0)	Section 3.29	Civil Penalty	148
(3.0)	Section 5.03	Registrations Required	149
(3.0)	Section 5.05	General Requirements for Registration	149
(2.0)	Section 6.03	Notice of Construction - When Required	151
(3.0)	Section 6.05	Information Required for Notice of Construction and Application for Approval	152
(2.0)	Section 6.07	Issuance of Approval or Order	153
(2.0)	Section 6.09	Notice of Completion - Order of Violation	154
(2.0)	Section 6.11	Conditional Approval	155
(5.0)	Article 7	Variances	155
(5.0)	Section 7.01	Variances	155
(51.13)	Section 9.02	Outdoor Fires	157
(50.1.2)	Section 9.03	Emission of Air Contaminant: Visible Standard	160
(50.1)	Section 9.04	Particulate Matter	161
(51.9)	Section 9.05	Incinerator Burning	161
(51.9)	Section 9.06	Refuse Burning Equipment: Time Restriction	162

Revised Standard Subject Index	Section Number	Title	Page
(50.2)	Section 9.07	Emission of Sulfur Oxides	162
(50.1.1)	Section 9.09	Emission of Particulate Matter	166
(2.0)	Section 9.11	Emission of Air Contaminant or Water Vapor: Detriment to Person or Property	169
(50.6)	Section 9.12	Odor and Nuisance Control Measures	169
(2.0)	Section 9:13	Emission of Air Contaminant: Concealment and Masking Restricted	170
(50.1)	Section 9:15	Preventing Particulate Matter from Becoming Airborne	170
(7.0)	Section 9.16	Report of Breakdown	170
(50.3)	Section 9.17	Emission of Nitrogen Oxides	171
(4.0)	Article 11	Ambient Air Quality Standards and Control Measures Required	171
(2.0)	Section 11.01	Air Quality Control Measures	171
(4.1)	Section 11.03	Ambient Air Quality Standards: Suspended Particulate	172
(4.1)	Section 11.05	Air Quality Standards: Particle Fallout	172
(4.5)	Section 11.06	Ambient Air Quality Standards for Carbon Monoxide	173
(4.6)	Section 11.07	Ambient Air Quality Standards: Photochemical Oxidants	173

Revised Standard Subject Index	Section Number	Title	Page
(4.3)	Section 11.08	Ambient Air Quality Standards: Nitrogen Dioxide	173
(4.4)	Section 11.09	Ambient Air Quality Standards: Hydrocarbons	173
(10.0)	Article 12	Standards of Performance	174
(13.0)	Section 12.01	Reporting and Monitoring Required	174

Douglas County Air Pollution Control Commission

(2.0)	Article V	Emission Standards and Preventive Measures	175
(51.13)	Section 5.01	Open Fires	175

Grant County Clean Air Authority

(2.0)	Article V	Emission Standards and Preventive Measures	177
(51.13)	Section 5.01	Open Fires	177

Southwest Air Pollution Control Authority

--	Regulation I	------	180
(1.0) (2.0)	Article I	Policy, Short Title and Definitions	180
(2.0)	Section 1.01	Policy	180
(2.0)	Section 1.02	Name of Authority	180
(2.0)	Section 1.03	Short Title	180
(1.0)	Section 1.04	General Definitions	180
(2.0)	Article II	General Provisions	183

Revised Standard Subject Index	Section Number	Title	Page
(15.0)	Section 2.01	Control Officer - Powers and Duties	183
(16.0)	Section 2.02	Orders and Hearings	184
(16.0)	Section 2.04	Status of Orders on Appeals	184
(2.0)	Section 2.05	Service of Notice	185
(2.0)	Section 2.06	Advisory Council	185
(5.0)	Section 2.07	Variances	185
(2.0)	Section 2.08	Severability	186
(15.0)	Section 2.09	Penalty	186
(15.0)	Section 2.10	Civil Penalty	186
(2.0)	Article III	Notices of Construction and Orders of Approval	188
(2.0)	Section 3.01	Notice of Construction - When Required	188
(3.0)	Section 3.02	Information Required for Notice of Construction and Application for Approval	188
(2.0)	Section 3.03	Issuance of Approval or Order	189
(2.0) (15.0)	Section 3.04	Notice of Completion - Order of Violation	191
(2.0)	Section 3.05	Conditional Approval	191
(2.0)	Section 3.06	Waiver of Approval Prior to Construction	191
(2.0)	Article IV	Emissions Prohibited	193
(51.13)	Section 4.01	Open Fires	193
(50.1.2)	Section 4.02	Visual Emissions	194

Revised Standard Subject Index	Section Number	Title	Page
(51.9)	Section 4.03	Incinerator Burning	195
(51.9)	Section 4.04	Incinerator Hours	195
(50.6)	Section 4.05	Odor Control Measures	196
(50.1)	Section 4.06	Preventing Particulate Matter from Becoming Airborne	196
(7.0)	Section 4.07	Report of Breakdown	197
(2.0)	Section 4.08	Exceptions	197
--	Regulation 2	------	198
(1.0) (2.0)	Article I	Policy, Short Title and Definitions	198
(2.0)	Section 1.01	Policy	198
(2.0)	Section 1.02	Name of Authority	198
(2.0)	Section 1.03	Short Title	198
(1.0)	Section 1.04	General Definitions	198
(2.0) (15.0)	Article II	General Provisions, Severability and Penalty	201
(2.0)	Section 2.01	General Provisions	201
(2.0)	Section 2.02	Severability	201
(15.0)	Section 2.03	Penalty	201
(15.0)	Section 2.04	Civil Penalty	201
(14.0)	Section 2.05	Confidential Information	202
(2.0)	Section 2.06	Exclusion	202
(3.0)	Article III	Registration	203
(3.0)	Section 3.01	Registration Required	203
(3.0)	Section 3.02	General Requirements for Registration	203

Revised Standard Subject Index	Section Number	Title	Page
(2.0)	Section 3.03	Air Contaminant Sources Excluded	203
(4.0)	Article IV	Ambient Air Standards	204
(2.0)	Section 4.01	Introduction	204
(4.2)	Section 4.02	Sulfur Dioxide	204
(4.1)	Section 4.03	Particulate Matter	204
(50.0)	Article V	Emission Standards	206
(50.2)	Section 5.01	Emission of Sulfur Dioxide	206
(50.1)	Section 5.02	Emission of Particulate Matter	207
(50.6)	Section 5.03	Emission of Odorous Gases	208
(50.7)	Section 5.04	Emission of Fluorides	209
(2.0)	Section 5.05	Concealment and Masking of Air Contaminants	210
(6.0)	Section 5.06	Time for Compliance	210
(7.0)	Section 5.07	Report of Breakdown	211
(2.0)	Section 5.08	Breach of Agreement to Discontinue Violation	211
(2.0)	Section 5.09	Exception	212

Olympic Air Pollution Control Authority

Revised Standard Subject Index	Section Number	Title	Page
(1.0) (2.0)	Article I	Policy, Short Title, and Definitions	213
(2.0)	Section 1.01	Policy	213
(2.0)	Section 1.03	Name of Authority	213
(2.0)	Section 1.05	Short Title	213

Revised Standard Subject Index	Section Number	Title	Page
(1.0)	Section 1.07	Definitions	213
(2.0)	Article 3	General Provisions	217
(2.0)	Section 3.01	Control Officer - Powers and Duties	217
(14.0)	Section 3.03	Confidential Information	218
(2.0)	Section 3.05	Interference or Obstruction	218
(2.0)	Section 3.07	False or Misleading Statements	218
(2.0)	Section 3.09	Unlawful Reproduction or Alteration of Documents	218
(2.0)	Section 3.11	Display or Orders, Certificates and Other Notices: Removal or Mutilation Prohibited	218
(16.0)	Section 3.13	Orders and Hearings	219
(16.0)	Section 3.15	Appointment of Hearing Officer	219
(16.0)	Section 3.17	Appeals from Board Orders	219
(2.0)	Section 3.19	Status of Orders on Appeals	219
(2.0)	Section 3.21	Service of Notice	220
(5.0)	Section 3.23	Variances	220
(2.0)	Section 3.25	Severability	221
(15.0)	Section 3.27	Penalty	221
(3.0)	Article 5	Registration	222
(3.0)	Section 5.01	Registration Required	222
(3.0)	Section 5.03	General Requirements for Registration	222

Revised Standard Subject Index	Section Number	Title	Page
(3.0)	Article 7	Notice of Construction and Application for Approval	225
(2.0)	Section 7.01	Notice of Construction	225
(2.0)	Section 7.03	Additional Information - When Required	225
(2.0)	Section 7.05	Issuance of Approval or Order	226
(2.0)	Section 7.07	Notice of Completion - Order of Violation	227
(2.0)	Section 7.09	Conditional Approval	228
(2.0)	Article 9	Emission Prohibited	229
(51.13)	Section 9.01	Open Fires	229
(50.1.2)	Section 9.03	Visual Emissions	231
(50.1)	Section 9.05	Particulate Matter	232
(51.9)	Section 9.07	Incineration Operation	233
(51.9)	Section 9.09	Incineration Hours	233
(50.6)	Section 9.11	Odor Control Measures	234
(2.0)	Section 9.13	Emission of Air Contaminant --Concealment and Masking	234
(7.0)	Section 9.15	Report of Breakdown	234
(2.0)	Section 9.17	Exceptions	235
(50.6)	Section 9.19	Emission of Sulfur Compounds	235
(50.7)	Section 9.21	Fluorides	236

Yakima County Clean Air Authority

Revised Standard Subject Index	Section Number	Title	Page
(1.0) (2.0)	Article I	Policy, Short Title and Definitions	238
(2.0)	Section 1.01	Policy	238
(2.0)	Section 1.02	Short Title	238
(1.0)	Section 1.03	Definitions	238
(2.0)	Article II	General Provisions	241
(2.0)	Section 2.01	Causing or Permitting Air Pollution Unlawful - Exception	241
(2.0)	Section 2.02	Control Officer - Powers and Duties	241
(2.0)	Section 2.03	Miscellaneous Provisions	242
(14.0)	Section 2.04	Confidentiality of Records and Information	242
(2.0)	Section 2.05	Advisory Council	242
(15.0) (16.0)	Article III	Violations - Orders and Hearings	243
(16.0)	Section 3.01	Notice of Violation - Corrective Action - Hearings	243
(2.0)	Section 3.02	Finality or Order - Appeal	243
(2.0)	Section 3.03	Stay or Order Pending Appeal	243
(2.0)	Section 3.04	Voluntary Compliance	243
(3.0)	Article IV	Registration and Notice of Construction	244
(3.0)	Section 4.01	Registration	244
(2.0)	Section 4.02	Notice of Construction	244
(51.1)	Section 4.03	Orchard Heaters	246

Revised Standard Subject Index	Section Number	Title	Page
(2.0)	Section 4.04	Exceptions to Article IV	246
(2.0)	Article V	Emission Standards and Preventive Measures	248
(51.13)	Section 5.01	Open Fires	248
(50.1.2)	Section 5.02	Visible Emission	248
(51.9)	Section 5.03	Incinerator and Refuse Burning Equipment	250
(50.6)	Section 5.04	Odor Control Measures	250
(2.0)	Section 5.05	Preventive Measures	251
(2.0)	Section 5.06	Exceptions to Article V	251
(5.0)	Article VI	Variances and Exemptions	253
(5.0)	Section 6.01	Variances	253
(2.0)	Section 6.02	Exemptions	255
(51.13)	Section 6.03	Additional Restrictions on Open Burning	257
(15.0)	Article VII	Penalty and Severability	259
(15.0)	Section 7.01	Penalty for Violation	259
(15.0)	Section 7.02	Additional or Alternative Penalties	259
(2.0)	Section 7.03	Assurance of Discontinuance	260
(2.0)	Section 7.04	Restraining Order - Injunctions	260
(2.0)	Section 7.05	Severability	260
(2.0)	Section 7.06	Effective Date	260

Revised Standard Subject Index	Section Number	Title	Page
		Spokane County Air Pollution Control Authority	
--	Regulation I	------	261
(1.0) (2.0)	Article I	Policy, Short Title and Definitions	261
(2.0)	Section 1.01	Policy	261
(2.0)	Section 1.02	Name of Authority	261
(2.0)	Section 1.03	Short Title	261
(1.0)	Section 1.04	General Definitions	261
(2.0)	Article II	General Provisions	264
(16.0)	Section 2.01	Powers and Duties of the Board	264
(2.0)	Section 2.02	Control Officer's Duties and Powers	264
(14.0)	Section 2.03	Confidential Information	265
(15.0)	Section 2.04	Violations	265
(16.0)	Section 2.05	Orders and Hearings	266
(16.0)	Section 2.06	Appeals from Board Orders, Judicial Review	266
(2.0)	Section 2.07	Status of Orders or Appeal	267
(15.0)	Section 2.08	Falsification of Statement or Document, Unlawful Alteration of Documents, Display of Documents and Their Removal	267
(2.0)	Section 2.09	Service of Notice	267
(2.0)	Section 2.10	Severability	268
(15.0)	Section 2.11	Penalties	268

Revised Standard Subject Index	Section Number	Title	Page
(15.0)	Section 2.12	Restraining Order - Injunction - Other Court Order	269
(5.0)	Article III	Variances, When Permitted	270
(3.0)	Article IV	Registration	272
(3.0)	Section 4.01	Registration Required	272
(3.0)	Section 4.02	General Requirements for Registration	272
(2.0)	Article V	Notice of Construction	274
(2.0)	Article VI	Emissions Prohibited	275
(51.13)	Section 6.01	Open Fires	275
(50.1.2)	Section 6.02	Visual Emissions	278
(51.9)	Section 6.03	Incinerator Burning and Incineration Hours	278
(50.6)	Section 6.04	Odors and Nuisances	279
(50.1)	Section 6.05	Particulate Matter and Preventing Particulate Matter from Becoming Airborne	279
(50.0)	Section 6.06	Emission of Air Contaminants or Water Vapor, Detriment to Persons or Property	280
(2.0)	Section 6.07	Emission of Air Contaminant Concealment and Masking Restricted	280
(7.0)	Section 6.08	Report of Breakdown	280
(2.0)	Section 6.09	Exception to this Article	281
--	Regulation II	------	282
(1.0) (2.0)	Article I	Policy, Short Title and Definitions	282
(2.0)	Section 1.01	Policy	282

Revised Standard Subject Index	Section Number	Title	Page
(2.0)	Section 1.02	Name of Authority	282
(2.0)	Section 1.03	Short Title	282
(1.0)	Section 1.04	General Definitions	282
(2.0)	Article II	General Provisions, Severability and Penalty	285
(2.0)	Section 2.01	General Provisions	285
(2.0)	Article III	Variances When Permitted	286
(2.0)	Article IV	Emissions Prohibited	288
(51.1)	Section 4.01	Particulate Emissions - Grain Loading Restrictions	288
(2.0)	Section 4.02	Concealment or Masking Restrictions	288
(9.0)	Section 4.03	Analysis and Testing Requirements	288
(2.0)	Section 4.04	Maximum Emission Rate	289
(7.0)	Article V	Breakdowns and Exceptions	290
(7.0)	Section 5.01	Report of Breakdowns	290
(2.0)	Section 5.02	Exception to this Article	290

Benton-Franklin-Walla Walla Air Pollution Control Authority

Revised Standard Subject Index	Section Number	Title	Page
(51.13)	Regulation II, Part D	Open Burning	291
(2.0)	Section 12-010	Purpose	291
(2.0)	Section 12-020	Applicability	291
(1.0)	Section 12-030	Definitions	291
(8.0)	Section 12-035	Episodes	292

Revised Standard Subject Index	Subject Number	Title	Page
(51.13)	Section 12-045	Prohibited Materials	292
(2.0)	Section 12-055	Exceptions	293
(51.13)	Section 12-065	Residential Open Burning	293
(51.13)	Section 12-075	Commercial Open Burning	294
(51.13)	Section 12-085	Agricultural Open Burning	295
(8.0)	Section 12-095	Critical Area Designation	297
(8.0)	Section 12-120	Smoke Management Programs	297
(15.0)	Section 12-130	Notice of Violation	298
(2.0)	Section 12-140	Remedies	298

FEDERALLY PROMULGATED REGULATIONS

Revised Standard Subject Index	Subject Number	Title	Page
(14.0)	52.2474	General Requirements	299
(9.0)	52.2477	Source Surveillance	299
(6.0)	52.2481	Complaince Schedules	301
(7.0)	52.2485	Inspection and Maintenance Program	303
(12.0)	52.2490	Air Bleed to Intake Manifold Retrofit	307
(12.0)	52.2491	Exhaust Gas Recirculation - Air Bleed	309
(12.0)	52.2492	Computer Carpool Matching System	311
(12.0)	52.2493	Transit Improvement Measures	312
(12.0)	52.2494	Bike Lanes and Bike Racks	315
(17.0)	52.2497	Prevention of Significant Deterioration	318

CHAPTER 18-02 WAC

(13.0) RECORD-KEEPING, REPORTING AND PUBLIC AVAILABILITY OF EMISSION DATA

(2.0) WAC 18-02-010 PURPOSE

The purpose of this regulation is to:

(1) Require owners or operators of stationary sources of air contaminants to maintain records of, and periodically report to the state information on, the nature and amounts of emissions and other information as may be necessary to determine whether such sources are in compliance with applicable emission limitations and other control measures.

(2) Provide for public availability of emission data reported to the state by stationary source owners or operators or otherwise obtained by the state, as correlated with applicable emission limitations.

(2.0) WAC 18-02-020 CLASSIFICATION

The director of the department of ecology finds that the types of emissions from sources within the following listed classes may cause or contribute to air pollution, in that such emissions may result in the presence in the outdoor atmosphere of air contaminants so as to affect adversely human health; other biological values; the enjoyment of life; and the value, physical conditions and enjoyment of property:

(1) Agricultural drying and dehydrating operations;
(2) Asphalt plants;
(3) Cattle feedlots;
(4) Chemical plants;
(5) Ferrous foundries;
(6) Fertilizer plants;
(7) Grain handling, seed processing, pea and lentil processing;
(8) Mineralogical processing plants;
(9) Nonferrous foundries;
(10) Oil refineries;
(11) Other metallurgical processing plants;
(12) Power boilers using coal, hog fuel or oil;
(13) Rendering plants;
(14) Scrap metal operations;
(15) Veneer dryers;
(16) Wood waste incinerators including wigwam burners.

The classifications above set forth apply throughout the state and include all stationary sources within any listed class wherever located in the state.

(13.0) WAC 18-02-030 RECORD-KEEPING AND REPORTING

(1) The owner or operator of any stationary source in the state which is within a classification listed in the preceding section shall, upon notification by the director of the department of ecology, maintain records of the nature and amounts of emissions from such source and/or other information deemed necessary by the director to determine whether such source is in compliance with applicable emission limitations and other control measures.

(2) The information recorded pursuant to subsection (1) hereof shall be reported to the director of the department of ecology on forms supplied by said department. Such reports shall be filed semiannually during January, and July, commencing January, 1973.

(3) Whenever the director of the department of ecology shall determine that record-keeping and reporting of emission data from any stationary source or stationary source-type in the state, not listed in WAC 18-02-020, is needed for the investigation of causes, effects, prevention, abatement or control of air pollution or otherwise necessary to effectuate the purposes of chapter 70.94 RCW, said director shall notify the owner(s) or operator(s) of such source or sources. Such notification shall constitute an order to maintain records and submit reports on emissions in the manner set forth in subsections (1) and (2) of this section.

(14.0) WAC 18-02-040 PUBLIC AVAILABILITY OF EMISSION DATA

Emission data obtained by the department of ecology from owners or operators of stationary sources pursuant to the preceding section or otherwise obtained by said department will be correlated with applicable emission limitations and other control measures. Such emission data so correlated will be available to the public during normal business hours at said department's offices, subject to the provisions of RCW 43.21A.160.

(1.0) WAC 18-02-050 DEFINITIONS

As used in this chapter, the following words and phrases shall have the following meanings:

(1) "Department" means department of ecology.

(2) "Director" means director of department of ecology.

(3) "Emission" means a release of air contaminants into the ambient air.

(4) "Stationary source" means any building, structure, facility or installation which releases emissions.

CHAPTER 18-04 WAC

(2.0) GENERAL REGULATION FOR AIR POLLUTION SOURCES

(2.0) WAC 18-04-010 PURPOSE

The department of ecology, under the authority vested in it by chapters 43.21A RCW and 70.94 RCW, is charged with responsibilities for the conduct of a state-wide program of air pollution prevention and control. This regulation provides the basic framework for carrying out the state's responsibilities for such a program through the establishment of standards for maximum permissible emissions, the implementation of registration and notice requirements, provision for monitoring and reporting, and the identification of regulatory actions which may be taken to enforce standards. This chapter is designed to operate within the statutory framework for the distribution of responsibilities between state, regional and local units of government in dealing with problems of air pollution.

(2.0) WAC 18-04-020 APPLICABILITY

The provisions of this chapter shall apply statewide. Any section hereof in which applicability is not specified is applicable to all sources of air contaminants, except

(1) those sources under the control of an activated air pollution control authority with respect to any standards or requirements now or hereafter enacted by such authority which are equivalent to or more stringent than standards or requirements on the same subject matter established by this chapter;

(2) those specific source categories over which the state, by separate regulation, has assumed or hereafter does assume jurisdiction;

(3) automobiles, trucks, trains, aircraft.

(1.0) WAC 18-04-030 DEFINITIONS

Unless a different meaning is plainly required by context, the following words and phrases, as hereinafter used in this chapter, shall have the following meanings:

(1) "Air contaminant" means dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substance, or any combination thereof.

(2) "Air pollution" means the presence in the outdoor atmosphere of one or more air contaminants in sufficient quantities, and of such characteristics and duration as is, or is likely to be, injurious to human health, plant or animal life, or property, or which unreasonably interfere with enjoyment of life and property.

(3) "Air pollution control authority" means any air pollution control agency whose jurisdictional boundaries are coextensive with the boundaries of one or more counties.

(4) "Ambient air" means the surrounding outside air.

(5) "Ambient air quality standard" means an established concentration, exposure time and frequency of occurrence of a contaminant or multiple contaminants in the air which shall not be exceeded.

(6) "Combustion and incineration sources" means sources using combustion for waste disposal, steam production, chemical recovery or other process requirements; but excludes open burning.

(7) "Department" means the department of ecology.

(8) "Director" means the director of the department of ecology or his duly authorized representative.

(9) "Emission" means a release of contaminants into the ambient air.

(10) "Emission standard" means a limitation on the release of a contaminant or multiple contaminants into the ambient air.

(11) "General process sources" means sources using a procedure or a combination of procedures for the purpose of causing a change in material by either chemical or physical means excluding combustion.

(12) "Incinerator" means a furnace used for the destruction of waste.

(13) "Materials handling" means the handling, transporting, loading, unloading, storage, and transfer of material with no significant alteration of the chemical or physical properties of the material.

(14) "New source" means a source constructed, installed or established after the effective date of this chapter. Addition to or enlargement or replacement of a source or any major alteration therein shall be construed as construction or installation or establishment of a new source.

(15) "Opacity" means the degree to which an object seen through a plume is obscured.

(16) "Particulate matter" means small discrete masses of liquid or solid, exclusive of uncombined water.

(17) "Person" means an individual, firm, public or private corporation, association, partnership, political subdivision, municipality or government agency.

(18) "Source" means a process or operation which emits or may emit any contaminants to the ambient air.

(19) "Source category" means all sources of the same type or classification.

(20) "Standard conditions" means a temperature of 60° F and a pressure of 29.92 inches of mercury.

(50.0) WAC 18-04-040 GENERAL STANDARDS FOR MAXIMUM PERMISSIBLE EMISSIONS

(1) Visible emissions.

(a) No person shall cause or permit the emission for more than three minutes, in any one hour, of an air contaminant from any source which at the emission point, or within a reasonable distance of the emission point, exceeds 40% opacity except as follows:

When the person responsible for the source can demonstrate that the emissions in excess of 40% will not exceed 15 minutes in any consecutive 8 hours.

When the owner or operator of a source supplies valid data to show that the opacity is in excess of 40% as the result of the presence of condensed water droplets, and that the concentration of particulate matter, as shown by a source test approved by the director, is less than two-tenths (0.20) grains per standard dry cubic foot. For combustion emissions the exhaust gas volume shall be corrected to 7% oxygen.

(b) For all new sources and, after July 1, 1975 for all sources, no person shall cause or permit the emission for more than 3 minutes, in any one hour, of an air contaminant from any source which at the emission point, or within a reasonable distance of the emission point, exceeds 20% opacity except as follows:

When the person responsible for the source can demonstrate that the emissions in excess of 20% will not exceed 15 minutes in any consecutive 8 hours.

When the owner or operator of the source supplies valid data to show that the opacity exceeds 20% as the result of the presence of condensed water droplets, and that the concentration of particulate matter, as shown by a source test approved by the director, is less than one-tenth (0.10) grains per standard cubic foot. For combustion emissions the exhaust gas volume shall be corrected to 7% oxygen.

(2) Preventing particulate matter from becoming deposited. No person shall cause or permit the emission of particulate matter from any source which becomes deposited beyond the property under direct control of the owner or operator of the source in sufficient quantity to interfere unreasonably with the use and enjoyment of the property upon which the material was deposited.

(3) Materials Handling. No person shall cause or permit materials handling without taking reasonable precautions to prevent the release of contaminants to the ambient air. Sources classified as materials handling are not subject to provisions of section 040, subsection (1).

(4) Odors. Any person who shall cause or allow the generation of any odor from any source which may unreasonably interfere with an adjoining property owner's use and enjoyment of his property must use recognized good practice and procedure to reduce these odors to a reasonable minimum.

(5) Emission of air contaminants or water vapor detrimental to persons or property. No person shall cause or permit the emission of any air contaminant or water vapor from any source, including any air contaminant whose emission is not otherwise prohibited by this regulation, if the air contaminant or water vapor causes detriment to the health, safety, or welfare of any person, or causes damage to property or business.

(6) Sulfur dioxide.

(a) No person shall cause or permit the emission of a gas containing sulfur dioxide from any source in excess of 2,000 parts per million (2,000 ppm) except as follows:

When the owner or operator of a source supplies emission data and can demonstrate to the director that there is no feasible method of reducing the concentration to less than 2,000 ppm and that the ambient air quality standard for sulfur dioxide has not been and will not be exceeded. In such cases, the director may require the owner or operator to equip, operate, and maintain as many as three continuous ambient air monitoring stations at locations approved by the director and using equipment approved by the director. All sampling results will be made available upon request and a monthly summary will be submitted to the department.

(b) For all new sources and, after July 1, 1975 for all sources, no person shall cause or permit the emission of a gas containing sulfur dioxide in excess of 1,000 ppm except as follows:

When the owner or operator supplies emission data and can demonstrate to the director that there is no feasible method of reducing the concentration to less than 1,000 ppm and that the ambient air quality standard for sulfur dioxide has not been and will not be exceeded. In such cases, the director may require the owner or operator to equip, operate, and maintain as many as three continuous ambient air monitoring stations at locations approved by the director and using equipment approved by the director. All sampling results will be made available upon request and a monthly summary will be submitted to the department.

(c) All concentrations of sulfur dioxide referred to above are by volume, dry, and, for combustion emissions the exhaust gas volume shall be corrected to 7% of oxygen.

(7) Concealment and masking. No person shall cause or permit the installation or use of any device, or the use of any means which, without resulting in a reduction in the total amount of air contaminant emitted, conceals an emission of an air contaminant which would otherwise violate any provisions of this chapter.

(8) Fugitive particulate material. Reasonable precautions shall be taken to prevent fugitive particulate material from becoming airborne:

(a) When handling, transporting, or storing particulate material;

(b) When constructing, altering, repairing, or demolishing a building, its appurtenances, or a road;

(c) From an untreated open area.

For the purposes of this subsection, fugitive particulate means particulate material which is generated incidental to an operation, process, or procedure and is emitted into the open air from points other than an opening designed for emissions such as a stack or vent.

(51.9) WAC 18-04-050 MINIMUM EMISSION STANDARDS FOR COMBUSTION AND INCINERATION SOURCES

Combustion and incineration sources must meet the following limitations in addition to all requirements of WAC 18-04-040 above:

(1) No person shall cause or permit the emission of contaminants, from any combustion or incineration operation, in excess of the following concentrations:

Particulate matter: 0.20 grains per standard dry cubic foot

(2) For all new combustion and incineration sources and, after July 1, 1975 for all combustion and incineration sources, no person shall cause or permit emissions in excess of the following concentrations:

Particulate matter: 0.10 grains per standard dry cubic foot

(3) For all incinerator sources no person shall cause or permit emissions in excess of 100 ppm of total carbonyls. Incinerators shall be operated only during daylight hours unless written permission to operate at other times is received from the director.

(4) Stated concentrations for combustion and incineration sources will be determined after the volumes are corrected to 7% oxygen.

(50.1.1) WAC 18-04-060 MINIMUM EMISSION STANDARDS FOR GENERAL PROCESS SOURCES

General process sources shall be required to meet the following limitations in addition to all applicable provisions of WAC 18-04-040 above:

(1) No person shall cause or permit the emission of particulate material from any general process operation in excess of two-tenths (0.20) grains per standard cubic foot of dry exhaust gas.

(2) For all new general process sources and, after July 1, 1975 for all general process sources, no person shall cause or permit the emission of particulate matter in excess of one-tenth (0.10) grains per standard cubic foot of dry exhaust gas.

(50.0) WAC 18-04-070 MINIMUM STANDARDS FOR CERTAIN SOURCE CATEGORIES

The director finds that the reasonable regulation of sources within certain categories requires separate standards applicable to such categories. The standards set forth in this section shall be the minimum standards for sources within the categories listed. Except as specifically provided in this section, such sources shall not be required to meet the provisions of WAC 18-04-040, WAC 18-04-050 and WAC 18-04-060.

(1) Wigwam burners

(a) All wigwam burners shall meet all provisions of subsections 2, 3, 4, 5, 6, and 7 of WAC 18-04-040.

(b) All wigwam burners shall use best practical technology and shall be maintained and operated to reduce emissions to the greatest extent possible. These requirements may include a controlled tangential vent over-fire air system, an adequate underfire system, elimination of all unnecessary openings, a controlled feed and other modifications determined necessary by the department.

(c) It shall be unlawful to install or increase the existing use of any burner that does not meet all requirements for new sources including those requirements specified in Sections WAC 18-04-040 and WAC 18-040-050, except operating hours.

(d) The director may establish additional requirements for wigwam burners located in or proposed for location in sensitive areas. These requirements may include but shall not be limited to:

(i) A requirement to meet all provisions of WAC 18-04-040 and WAC 18-04-050. Wigwam burners will be considered to be in compliance with WAC 18-04-040 (1) if they meet the requirements contained therein except during a startup period not to exceed 30 minutes in any eight consecutive hours.

(ii) A requirement to apply best available technology in order to reduce emissions to the lowest possible level.

(iii) A requirement to reduce or eliminate emissions if the director establishes that such emissions unreasonably interfere with the use and enjoyment of the property of others or are a cause or violation of ambient air standards.

(2) Asphalt batch plants.

(a) All asphalt batch plants shall meet all provisions of WAC 18-04-040 and WAC 18-04-060.

(b) All asphalt batch plants shall utilize best practical technology and shall be maintained and operated to minimize emissions.

(c) All asphalt batch plants shall meet the provisions of WAC 18-04-110, "Notice of Construction" prior to operating at any location at which a plant was not physically located on the effective date of this regulation.

(d) The director may establish additional requirements for asphalt plants located in or proposed for location in sensitive areas.

(3) Hog fuel boilers.

(a) Hog fuel boilers shall meet all provisions of WAC 18-04-040 and WAC 18-04-050 (1), except that emissions caused by conditions beyond the control of the owner or operator may exceed 40% opacity for up to 15 consecutive minutes in any 4 hours provided that the operator shall take immediate action to correct the condition.

(b) All hog fuel boilers shall utilize best practical technology and shall be maintained and operated to minimize emissions.

(c) The director may establish additional requirements for hog fuel boilers located in or proposed for location in sensitive areas. These additional requirements may include but shall not be limited to:

(i) A requirement to meet provisions of WAC 18-04-050 (2).

(ii) A requirement to utilize best available technology.

(iii) A requirement to reduce or eliminate emissions if the director establishes that such emissions unreasonably interfere with the use or enjoyment of the property of others or are a cause of violation of ambient air quality standards.

(4) Orchard heating.

(a) Burning of rubber materials, asphaltic products, crankcase oil or petroleum wastes, plastic, or garbage is prohibited.

(b) After July 1, 1975, it shall be unlawful to burn any material or operate any orchard-heating device that causes a visible emission exceeding 20% opacity, except during the first 30 minutes after such device or material is ignited.

(5) Grain elevators.

(a) Any grain elevator which is primarily classified as a materials handling operation shall meet all the provisions of WAC 18-04-040 (2), (3), (4) and (5).

(b) The director may establish additional requirements for grain elevators located, or proposed for location, in sensitive areas. These requirements may include but shall not be limited to:

(i) A requirement to meet the provisions of WAC 18-04-040 (1) and WAC 18-04-060.

(6) Catalytic cracking units.

(a) All existing catalytic cracking units shall meet all provisions of subsections (1) (a), (2), (3), (4), (5), (6) and (7) of WAC 18-040-040 and WAC 18-04-060 (1).

(b) All new catalytic cracking units shall meet all provisions of WAC 18-04-040 and WAC 18-04-060.

(c) The director may establish additional requirements for catalytic cracking units located in, or proposed for locations in sensitive areas.

(7) Other wood waste burners.

(a) Wood waste burners not specifically provided for in this section shall meet all provisions of WAC 18-04-040.

(b) Such wood waste burners shall utilize best practical technology and shall be maintained and operated to minimize emissions.

(c) The director may establish additional requirements for such wood waste burners located in or proposed for location in sensitive areas. These requirements may include but shall not be limited to a requirement to eliminate all visible emissions.

(6.0) WAC 18-04-080 COMPLIANCE SCHEDULES

(1) All existing sources to which the following subsections apply shall achieve full compliance with the standards therein specified by July 2, 1975: WAC 18-04-040 (1) (b), WAC 18-04-040 (6) (b), WAC 18-04-050 (2), WAC 18-04-060 (2).

(a) Each source to which these subsections apply shall, by January 1, 1974, submit to the department a statement advising whether the source at the time of submission is in compliance with the emission limitations of each of the subsections. With respect to any such emission limitation not being met by January 1, 1974, the source shall achieve compliance in accordance with the following schedule:

(i) By July 1, 1974, submit to the department a specific plan of correction or improvement to meet the emission limitation within one year. Such plans must provide for complying with (ii) and (iii) below.

(ii) By January 1, 1975, order equipment for control or modification required to meet the plan of correction or improvement. A report verifying this action shall be submitted to the department by January 15, 1975.

(iii) By July 2, 1975, complete installation and/or modification specified in the plan of correction or improvement.

(b) Sources in any area in which a local or regional air pollution control agency is enforcing the standards specified in WAC 18-04-040 (1) (b), WAC 18-04-040 (6) (b), WAC 18-04-050 (2) and WAC 18-04-060 (2), shall conform to the provisions of (1) (a) above except that submissions shall be made to the appropriate agency rather than the department.

(c) In relation to plans submitted pursuant to (1) (a) (i) above, the agency receiving same may require additional information or changes to assure full compliance by July 2, 1975.

(2) All sources governed by any standard set forth in this chapter, other than those referred to in subsection (1) of this section, shall, in cases where such standards are not being enforced by a local or regional air pollution control authority, be operated in accordance with individual compliance schedules included within regulatory orders issued by the department.

(a) The department shall develop and distribute forms for the submission of proposed compliance schedules. Within 60 days after receipt of such a form, the owner or operator of a source shall submit a proposed compliance schedule for such source to the department. After reviewing a proposed compliance schedule and such views thereon as are submitted, the director or his authorized representative shall issue a regulatory order establishing a compliance schedule and progress-reporting requirements for the source. Opportunity for a public hearing on each proposed compliance schedule shall be provided by prominent advertisement of a notice identifying the proposal and announcing its availability for public inspection in at least one location in the county in which the source is located. No public hearing on a proposed compliance schedule shall be held before 30 days after the publication of the above notice.

(b) A source shall be considered to be in compliance with this chapter if all the provisions of its individual compliance schedule included within a regulatory order issued hereunder are being met.

(2.0) WAC 18-04-090 SENSITIVE AREA DESIGNATION

In order to control the emission of air contaminants in a manner which takes into account the severity of the air pollution problem in the different areas in which sources are, or may be located, the director, after public hearing upon due notice to all interested parties, may designate sensitive areas. Designation of such areas shall be based on a consideration of present and predicted ambient air quality; population density and trends; distance of sources from public roads; recreational areas and areas of human habitation; topographic and meteorological conditions and other pertinent variables. Sources within a designated sensitive area shall be subject to more stringent standards or compliance schedules than sources located outside such areas. This section applies only to those geographical areas and source categories under the direct jurisdiction of the department.

(3.0) WAC 18-04-100 REGISTRATION AND GENERAL REPORTING

The owner or operator of each source within the following source categories shall register the source unless such registration is required by an air pollution control authority with jurisdiction over the source:

(1) Agricultural drying and dehydrating operations.
(2) Asphalt plants.
(3) Cattle feedlots.
(4) Chemical plants.
(5) Ferrous foundries.
(6) Fertilizer plants.
(7) Grain handling, seed processing, pea and lentil processing.
(8) Mineralogical processing plants.
(9) Nonferrous foundries.
(10) Oil refineries.
(11) Other metallurgical processing plants.
(12) Power boilers using coal, hog fuel or oil.
(13) Rendering plants.
(14) Scrap metal operations.
(15) Veneer dryers.
(16) Wood waste incinerators including wigwam burners.

Registration shall be on forms to be supplied by the department within the time specified thereon.

A special report of closure shall be filed with the department whenever operations producing emissions are permanently ceased at any source within the above categories.

(2.0) WAC 18-04-110 NOTICE OF CONSTRUCTION

Whenever the construction, installation, or establishment of a new source is contemplated, and such source is within a source category listed in WAC 18-04-100 or is an incinerator designed for a capacity of 100 pounds per hour or more, the owner or operator thereof shall file a notice of construction with the department; unless the filing of such a notice is required by an air pollution control authority with jurisdiction over the source.

By definition, the addition to or enlargement or replacement of a source, or any major alteration therein, shall be construed as construction or installation or establishment of a new source.

Notice of construction shall be filed at least 60 days prior to the proposed start of construction. The director may waive the 60 day notice in cases of emergencies. Within 30 days of receipt of such notice, the director may require the submission of plans, specifications, and other information as he deems necessary in order to determine whether the proposed construction, installation, or establishment shall be in accordance with applicable regulations. If, within 30 days of the receipt of plans, specifications, or other information required pursuant to this regulation, the director determines that the proposed construction, installation, or establishment will not be in accordance with applicable regulations, he shall issue an order for the prevention of construction, installation, or establishment of the source. Failure to issue such an order within the time prescribed herein shall be deemed a determination that the construction, installation, or establishment may proceed, provided that it is in accordance with the plans, specification, and other information submitted.

(9.0) (13.0) WAC 18-04-120 MONITORING AND SPECIAL REPORTING

(1) Monitoring.

The department shall conduct a continuous surveillance program to monitor the quality of the ambient atmosphere as to concentrations and movements of air contaminants.

As a part of this program, the director or his authorized representative may require any source under the jurisdiction of the department to conduct stack and/or ambient air monitoring, and to report the results to the department.

(2) Investigation of conditions.

For the purpose of investigating conditions specific to the control, recovery, or release of air contaminants into the atmosphere the director, or his authorized representative, shall have the power to enter at reasonable times upon any private or public property, excepting nonmultiple unit private dwellings housing one or two families. No person shall refuse entry or access to the director, or his authorized representative, when entry is requested for the purpose of inspection, and when appropriate credentials are presented; nor shall any person obstruct, hamper, or interfere with any such inspection.

(3) Source testing.

In order to demonstrate compliance with this regulation, the director, or his authorized representative, may require that a test be made of the source in a manner approved by the department. The operator of a source may be required to provide the necessary platform and sampling ports for the department personnel to perform a test of the source. The department shall be allowed to obtain a sample from any source. The operator of the source shall be given an opportunity to observe the sampling and to obtain a sample at the same time.

(4) Report of breakdown or upset condition. If a breakdown of equipment or upset condition occurs resulting in emissions in excess of applicable limits set by this regulation or resulting in emissions which violate an applicable compliance schedule, the owner or operator of the affected source shall take immediate corrective action and shall report such breakdown to the department by the next working day after the breakdown occurs.

An initial breakdown or upset condition shall not be subject to penalties for emissions in excess of the limits set by this chapter, providing the owner or operator complies with the provisions of this subsection and providing the breakdown or upset was not the result of gross negligence. If an extended time period is required to complete the corrective action, the director may require that the operation be curtailed or shut down. Repeated breakdowns may be subject to all penalties authorized by law. The director may issue regulatory orders specifying maintenance and operating procedures.

(15.0) WAC 18-04-130 REGULATORY ACTIONS

The department may take any of the following regulatory actions to enforce this chapter:

(1) Notice of violation.

Whenever the department has reason to believe that any provision of this chapter has been violated, it may cause written notice to be served on the alleged violator or violators. The notice shall specify the provision of this chapter alleged to be violated and the facts alleged to constitute a violation thereof, and may include an order that necessary corrective action be taken within a reasonable time.

(2) Civil penalty.

Whenever any person violates any of the provisions of this chapter, he shall be subject to a penalty in the form of a fine in an amount not to exceed $250 per day for each violation. Each such violation shall be separate and distinct and, in case of a continuing violation, each day's continuance shall be a separate and distinct violation. The penalty shall be imposed by a notice in writing from the director, or his authorized representative, describing the violation with reasonable particularity.

(3) Assurance of discontinuance.

The director, or his authorized representative, may accept an assurance of discontinuance of any act or practice deemed in violation of this chapter. Any such assurance shall specify a time limit during which discontinuance is to be accomplished. Failure to perform the terms of any such assurance shall constitute prima facie proof of a violation of this chapter which make the alleged act or practice unlawful for the purpose of securing an injunction or other relief from the superior court.

(4) Restraining orders, injunctions.

Whenever any person has engaged in, or is about to engage in, any acts or practices which constitute or will constitute a violation of any provision of this chapter, the director, after notice to such person and an opportunity to comply, may petition the superior court of the county wherein the violation is alleged to be occurring or to have occurred for a restraining order or a temporary or permanent injunction or another appropriate order.

(5) Emergency episodes.

The department may issue such orders as authorized by chapter 194, Laws of 1971, ex. sess., whenever an air pollution episode is forecast.

(2.0) WAC 18-04-140 APPEALS

Decisions and orders of the department may be appealed to the pollution control hearings board pursuant to chapter 43.21B RCW and chapter 371-08 WAC.

(5.0) WAC 18-04-150 VARIANCE

Any person who owns or is in control of a plant, building, structure, establishment, process, or equipment may apply to the department for a variance from provisions of this chapter governing the quality, nature, duration, or extent of discharges of air contaminants in accordance with the provisions of RCW 70.94.181.

CHAPTER 18-06

(2.0) ## SENSITIVE AREAS

(2.0) ### WAC 18-06-010 PURPOSE

Pursuant to Chapter 70.94 RCW, the Washington Clean Air Act, and in order to implement WAC 18-04-090, this regulation is for the purpose of designating certain geographical areas of the state as sensitive areas in light of population concentrations, intensity of human activity and recreational and scenic values; and for the purpose of providing for the imposition of more stringent standards and compliance requirements for certain stationary source categories within such areas than apply to such categories outside sensitive areas.

(2.0) ### WAC 18-06-020 APPLICABILITY

The sensitive areas designated herein are located only in geographical areas not presently subject to the regulatory control of any activated air pollution control authority. Should any air pollution control authority hereafter be activated whose jurisdictional boundaries include all or any part of a sensitive area designated herein, such area or part thereof would not thereby be abrogated but such area or part would remain in effect, although such newly activated authority could adopt more stringent standards for such areas.

(1.0) ### WAC 18-06-030 DEFINITIONS

(1) "Department" means department of ecology.

(2) "Director" means director of the department of ecology.

(3) "Sensitive area" means an area in which more stringent standards and compliance requirements apply to specified stationary source categories than apply to such source categories outside such area.

(4) "Stationary source" means any building, structure,facility or installation which emits or may emit any contaminants to the ambient air.

(2.0) ### WAC 18-06-040 SENSITIVE AREAS DESIGNATED

Based on a consideration of present and predicted ambient air quality in light of population density and trends, intensity of highway usage and scenic and recreational values, the following areas are designated as sensitive areas:

(1) All cities within the state with a population of 1,000 or more which are not presently subject to the regulatory control of any activated air pollution control authority, together with those lands extending one mile outward from the present city limits in all directions as measured on a horizontal plane from such limits. These cities are presently:

(a) Pullman
(b) Wenatchee
(c) Ellensburg
(d) Clarkston
(e) Othello
(f) Omak
(g) Colville
(h) Colfax
(i) Dayton
(j) Goldendale
(k) Chelan
(l) Okanogan
(m) Cashmere
(n) Ritzville
(o) Pomeroy
(p) Cle Elum
(q) White Salmon
(r) Oroville
(s) Newport
(t) Coulee Dam
(u) Davenport
(v) Chewelah
(w) Leavenworth
(x) Brewster
(y) Wilbur
(z) Odessa

(2) Those portions of state highways designated on the map which is hereby incorporated herein as Appendix A, together with a strip of land bordering each side of such designated portions of highways extending one mile outward from the edge of the right of way measured on a horizontal plane from each such edge, plus all incorporated cities or towns bordering such designated portions of highways.

(3) Any area on either side of Columbia, Snake, or Spokane Rivers in this state which is within one mile measured on a horizontal plane from the line of mean high water.

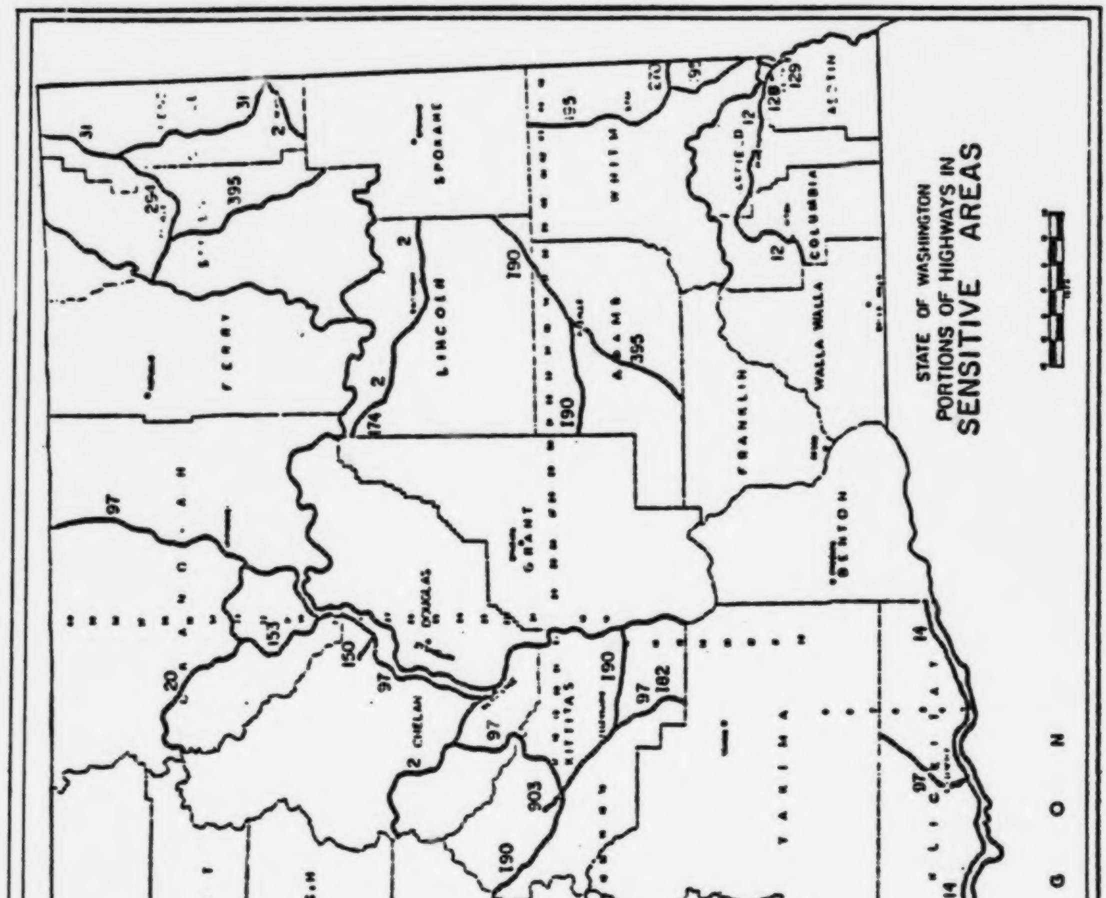
(2.0) WAC 18-06-050 STANDARDS

Stationary sources within sensitive areas must comply with all applicable emission limitations set forth in Title 18 WAC. In addition, the following more restrictive standards shall apply within such areas to stationary sources within the categories listed.

(1) Wigwam burners.

(a) All wigwam burners shall meet all the provisions of WAC 18-04-040. Wigwam burners will be considered to be in compliance with WAC 18-04-040 (1) if they meet the requirements contained therein except during a startup period not to exceed 30 minutes in any eight consecutive hours.

(b) All wigwam burners shall apply best practicable technology in order to reduce emissions to the lowest possible level.


STATE OF WASHINGTON
PORTIONS OF HIGHWAYS IN
SENSITIVE AREAS
WHATCOM
SKAGIT
SNOHOMISH
KING
PIERCE
THURSTON
LEWIS
COWLITZ
CLARK
SKAMANIA
WAHKIAKUM
PACIFIC
GRAYS HARBOR
MASON
JEFFERSON
CLALLAM
VANCOUVER ISLAND
OKANOGAN
CHELAN
DOUGLAS
KITTITAS
YAKIMA
KLICKITAT
BENTON
FRANKLIN
WALLA WALLA
COLUMBIA
GARFIELD
ASOTIN
WHITMAN
ADAMS
GRANT
LINCOLN
SPOKANE
FERRY
STEVENS
PEND OREILLE
PACIFIC OCEAN
OREGON
31
2
395
2
97
20
153
150
97
2
97
903
190
190
97
182
190
14
97
14
174
2
190
190
395
12
12
128
129
195
270
195

CHAPTER 18-08 WAC

(8.0) ## EMERGENCY EPISODE PLAN

(2.0) WAC 18-08-010 PURPOSE

The purpose of these rules is to implement Chapter 70.94 RCW, as amended by Chapter 194, Laws of 1971, extraordinary session.

Air pollution episodes occur under meteorological conditions which reduce the effective volume of air into which air contaminants are introduced. When such conditions occur, there is a possible danger that normal operations at air contaminant sources will be detrimental to public health and safety. The avoidance of high contaminant concentrations during an episode requires a plan which will provide for rapid short-term emission reduction. This chapter shall constitute such an episode avoidance plan.

(1.0) WAC 18-08-020 DEFINITIONS

As used in this chapter, the following terms have the following meanings:

(1) Air Quality Control Region - An area designated as an air quality control region by the Federal Environmental Protection Agency.

(2) Air Contaminant - Dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substance, or any combinations thereof.

(3) COH - Coefficient of haze and is a measure of suspended particulates.

(4) Department - Department of Ecology.

(5) Director - Director of the Department of Ecology.

(6) Emission - A release into the outdoor atmosphere of air contaminants.

(7) Episode Stage - A prescribed level of air contaminants or meteorological conditions where certain control actions are required to prevent ambient pollutant concentrations from reaching levels which could cause significant harm to the health of persons.

(8) Emergency Action Center - The headquarters for all Department actions during an episode stage.

(9) Hour - A 60-minute period, beginning and ending on a clock hour.

(10) 8 hours - Any consecutive 8 hours, starting at any clock hour.

(11) Major Source - Any source which is estimated to emit at an annual rate of 25 tons per year or more of SO_2, particulates, or carbon monoxide.

(12) ppm - Parts per million (parts of contaminant per million parts of gas or air by volume).

(13) Particulates - Small discrete masses of solid or liquid matter, but not including uncombined water. (For air pollution usage, sizes generally range from submicron to over 2000 microns).

(14) Source Emission Reduction Plan (SERP) - A plan developed for an individual air pollution source and approved by the Director, which sets forth the actions to be taken at that source upon the declaration of various stages of an episode.

(15) 24 Hours - Any consecutive 24 hours, starting at any clock hour.

(8.0) WAC 18-08-030 EPISODE STAGE CRITERIA

The declaration of episode stages shall be in accordance with the following criteria:

(1) Stage: "Forecast" - The Forecast stage indicates the presence of meteorological conditions conducive to the accumulation of air contaminants. A Forecast stage will be declared when an Air Stagnation Advisory is issued by the National Weather Service or there is equivalent indication of stagnant atmospheric conditions and conditions are Forecast to persist for 24 hours. Declaration of this stage will activate increased air quality surveillance.

(2) Stage: "Alert" - The Alert stage is that concentration of pollutants at which first stage control actions are to begin. An Alert will be declared when any one of the following levels is reached:

(a) SO_2 - 800 $\mu g/m^3$ (0.3 ppm), 24-hour average.

(b) Particulate - 3.0 COHs or 375 $\mu g/m^3$, 24-hour average.

(c) SO_2 and particulate combined - product of SO_2 ppm, 24-hour average, and COHs equal to 0.2 or product of SO_2 - $\mu g/m^3$, 24-hour average, and particulate $\mu g/m^3$, 24-hour average equal to 65×10^3.

(d) CO - 17 mg/m^3 (15 ppm), 8-hour average.

(e) Oxidant (O_3) - 400 $\mu g/m^3$ (0.2 ppm) - 1-hour average.

(f) NO_2 - 1130 $\mu g/m^3$ (0.6 ppm) 1-hour average, 282 $\mu g/m^3$ (0.15 ppm) 24-hour average;

and meteorological conditions are such that the pollutant concentrations can be expected to remain at the above levels for 12 or more hours or increase unless control actions are taken.

(3) Stage: "Warning" - The Warning stage indicates that air quality is continuing to degrade and that additional control actions are necessary. A Warning will be declared when any one of the following levels is reached:

(a) SO_2 - 1,600 $\mu g/m^3$ (0.6 ppm), 24-hour average.

(b) Particulate - 5.0 COHs or 625 $\mu g/m^3$, 24-hour average.

(c) SO_2 and particulate combined - product of SO_2 ppm, 24-hour average and COHs equal to 0.8 or product of SO_2 $\mu g/m^3$, 24-hour average and particulate $\mu g/m^3$, 24-hour average equal to 261×10^3.

(d) CO - 34 mg/m^3 (30 ppm), 8-hour average.

(e) Oxidant (O_3) - 800 $\mu g/m^3$ (0.4 ppm), 1-hour average.

(f) NO_2 - 2,260 $\mu g/m^3$ (1.2 ppm), 1-hour average; 565 $\mu g/m^3$ (0.3) ppm), 24-hour average;

and meteorological conditions are such that pollutant concentrations can be expected to remain at the above levels for 12 or more hours or increase unless control actions are taken.

(4) Stage: "Emergency" - The Emergency stage indicates that air quality is continuing to degrade toward a level of significant harm to the health of persons and that the most stringent control actions are necessary. An Emergency will be declared when any one of the following levels is reached at any monitoring site:

(a) SO_2 - 2,100 $\mu g/m^3$ (0.8 ppm), 24-hour average.

(b) Particulate - 7.0 COHs or 875 $\mu g/m^3$, 24-hour average.

(c) SO_2 and particulate combined - product of SO_2 ppm, 24-hour average and COHs equal to 1.2 or product of SO_2 $\mu g/m^3$, 24-hour average and particulate $\mu g/m^3$, 24-hour average equal to 393×10^3.

(d) CO - 46 mg/m^3 (40 ppm), 8-hour average.

(e) Oxidant (O_3) - 1,200 $\mu g/m^3$, (0.6 ppm), 1-hour average.

(f) NO_2 - 3,000 $\mu g/m^3$ (1.6 ppm), 1-hour average; 750 $\mu g/m^3$ (0.4 ppm), 24-hour average;

and meteorological conditions are such that this condition can be expected to remain at the above levels for 12 or more hours.

(5) Stage: "Termination" - Once declared, any stage reached by application of these criteria will remain in effect until the criteria for that level are no longer met. At such time, the next lower stage will be assumed. When conditions improve to where the criteria are no longer met for any episode stage, the episode will be terminated.

(8.0) WAC 18-08-040 SOURCE EMISSION REDUCTION PLANS

(1) Any person responsible for the operation of a major source, when requested in writing by the Director or his authorized representative, shall prepare in consultation with the Department, a Source Emission Reduction Plan (SERP) consistent with good industrial practice and safe operating procedures for reducing the emissions of air contaminants into the outdoor atmosphere during periods of air pollution Alert, Warning, and Emergency.

(2) SERPs shall be in writing and show the source of air contamination, describe the manner in which the reduction of air contaminant emissions will be achieved during periods of air pollution Alert, Warning, and Emergency, and give the amount of reduction for each such stage.

(3) During periods of air pollution Alert, Warning, or Emergency, SERPs shall be made available, on the premises of sources required under this section to have them, to any person authorized to enforce the provisions of this episode avoidance plan.

(4) SERPs shall be submitted to the Director within 30 days after receipt of a request thereof.

(5) SERPs shall be subject to review and approval by the Director. If in the opinion of the Director, any SERP does not, in whole or in part, provide for satisfactory emission reduction during an episode, the Director may disapprove such SERP, give the reason for disapproval and require the resubmittal of same with a specified time period.

If within the time period specified, the person responsible fails to submit a SERP satisfactory to the Director, the Director may revise the SERP to cause it to meet episode avoidance objectives. Such revised plan will, thereafter, be the SERP for the source to which it applies.

(6) SERPs may be amended after submission to the Director of a revised SERP. Such revised SERP will be processed in the same manner as the originally submitted SERP.

(7) An emission reduction plan for the purpose of reducing motor vehicle emissions during episode stages, will be developed by the Department.

(8.0) WAC 18-08-050 ACTION PROCEDURES

(1) Whenever applicable criteria are met, the Director, or his duly authorized representative, may declare and terminate the Forecast, Alert, and Warning stages of an episode. Such declaration shall constitute an order for action in accordance with applicable SERPs.

(2) Whenever applicable criteria are met, the Governor may declare and terminate the Emergency stage of an episode. Such declaration shall constitute an order for action in accordance with applicable SERPs.

(3) Adverse air quality need not be region-wide for any episode stage to be declared and action procedures may be taken for any area affected or likely to be affected by episode conditions. The declaration of any episode stage shall specify the area to which it applies.

(4) The broadest publicity practicable shall be given to the declaration of any episode stage and such declaration shall, as soon as possible, be directly communicated to all persons responsible for the carrying out of SERPs within the affected area.

(5) Regardless of whether any episode stages have previously been declared, whenever the Governor finds that emissions are causing imminent danger to public health or safety, he may declare an air pollution emergency and order the persons responsible for the operation of sources causing the danger, safe operating procedures, and SERPs, if any.

(6) Whenever an episode stage is declared on the basis of contaminant levels of carbon monoxide, oxidant, or nitrogen dioxide, the Director or his duly authorized representative shall take such action as may be required to reduce emissions from motor vehicles. These actions may include, but are not limited to, the rerouting or detouring of traffic.

(15.0) WAC 18-08-060 ENFORCEMENT

(1) Whenever any episode stage has been declared, the Department shall establish an Emergency Action Center, which shall be the headquarters for all Department actions during the episode.

(2) The Department shall develop an operations manual, which shall set forth a plan for the receipt, processing, and dissemination

of information and data during an episode.

(3) Enforcement with respect to any episode shall be directed from the Emergency Action Center by the Director and/or his authorized representatives in consultation with the Governor's office.

(4) Authorized personnel of the Department of Ecology, the Department of Social and Health Services, and the State Police shall have the authority to enforce orders of the Director or the Governor, issued under this chapter, as directed from the Emergency Action Center. In addition, authorized personnel of any local air pollution control agency or local police force shall have the authority to enforce such orders against sources within the area of which such agency or police force has jurisdiction, as directed from the Emergency Action Center.

(5) For the purpose of determining compliance with any SERP, those persons authorized to enforce orders, hereunder, shall have the authority to enter upon any private or public property, excepting nonmultiple unit private dwellings, housing two families or less. No person shall refuse entry or access to enforcement personnel who request entry and present appropriate credentials.

(6) Whenever it appears that action being taken in compliance with SERPs will not avert imminent danger to public health and safety, the Governor may order the following additional measures:

   (a) Stopping and prohibiting motor vehicle travel and traffic.

   (b) Closing down or restricting the use of any business, commercial, industrial or other establishment or activity which contributes to the emission of contaminants to the air.

(7) Any declaration or order issued in accordance with WAC 18-08-050 shall be effective immediately and shall not be stayed, pending completion of review.

(8) Whenever any order has been issued hereunder, the Attorney General, upon the request of the Governor or the Director, or the authorized representative of either, shall petition the superior court of the county in which a source is located for a temporary restraining order for the immediate reduction or discontinuance of emissions from such source.

CHAPTER 18-12 WAC

(51.13) OPEN BURNING

(2.0) WAC 18-12-010 PURPOSE

This chapter, for the control of open burning in the state is adopted under the provisions of chapter 70.94 RCW, as amended, in order to:

(1) Minimize the impact of emissions from open burning;

(2) Establish rules and procedures by which open burning may be conducted;

(3) Encourage the development and use of alternate methods of disposal of combustible waste materials.

(2.0) WAC 18-12-020 APPLICABILITY

The provisions of this chapter shall apply to open burning in all parts of the state except to:

(1) Burning of field and turf grasses grown for seed (governed by chapter 18-16 WAC).

(2) Open burning within the boundaries of any activated air pollution control authority where such authority is enforcing its own requirements for the control of open burning which are no less stringent than the requirements set forth in this chapter.

(3) Open burning for activities subject to the permit issuing authority of the department of natural resources, as set forth in RCW 70.94.660.

(1.0) WAC 18-12-030 DEFINITIONS

As used in this chapter:

(1) "Agricultural open burning" means open burning conducted as a part of any agricultural operation; but not including yard and gardening activities associated with a residence.

(2) "Commercial open burning" means open burning conducted as a part of any commercial or business operation, including land clearing when such land clearing is for the purpose of changing the use of the cleared land, but not including agricultural open burning.

(3) "Department" means department of ecology.

(4) "Director" means director of the department of ecology, or his authorized representative.

(5) "Episode" means a period when a forecast, alert, warning or emergency is declared as set forth in RCW 70.94.415.

(6) "Land clearing" means the removal of structures, trees, shrubbery, or other natural vegetation from a plot of land.

(7) "No burn area" means an area designated by the department as an area exceeding or threatening to exceed any state ambient air quality standard.

(8) "Open burning" means the combustion of material in the open or in an outdoor container with no provision for the control of such combustion or the control of the emissions of the combustion products.

(9) "Small fire" means a fire not more than four feet in diameter nor more than three feet high.

(10) "Silvicultural operation" means the growing of trees for commercial or recreational use, including land preparation, planting, growing and harvesting of trees.

(8.0) WAC 18-12-035 EPISODES

(1) No open fire shall be ignited during any stage of an episode.

(2) Any person or entity responsible for an open fire already ignited when any stage of an episode is declared shall immediately proceed to extinguish such fire as soon as he learns of the existence of the episode. At the forecast stage, fires must be extinguished as quickly as possible by whatever means are best suited to this end.

(51.13) WAC 18-12-045 PROHIBITED MATERIALS

Except as provided in WAC 18-12-055, the following material shall not be burned in any open fire:

(1) garbage
(2) dead animals
(3) asphaltic products
(4) waste petroleum products
(5) paints
(6) rubber products
(7) plastics
(8) any substance, other than natural vegetation, which normally emits dense smoke or obnoxious orders.

(2.0) WAC 18-12-055 EXCEPTIONS

Exceptions to the provisions of this chapter shall be made only as follows:

(1) Upon order of a duly authorized health officer and when authorized by the department, diseased animals and other infested materials may be burned as required to prevent spreading of the infestation.

(2) Upon order of a fire protection agency and when authorized by the department, fires for the disposal of materials presenting a danger to life, property or public welfare may be burned, provided no approved practical alternative method of disposal is available.

(3) Upon approval by the department, fires authorized by a fire protection agency as necessary for training purposes may be burned.

(4) Upon approval of the department, fires set in the course of a defined research project may be burned.

(5) The following types of fires may be burned, provided that they do not contain prohibited materials as set forth in WAC 18-12-045:

- (a) fires set for recreational, religious ceremony, food preparation or social purposes.
- (b) small fires set for hand-warming purposes.

(6) At any solid waste disposal site, compliance with any schedule established in any comprehensive solid waste management plan approved by the department shall be deemed to be in compliance with this chapter. For any solid waste disposal site not subject to such an approved plan, the department may authorize up to six months from the effective date hereof for a corrective program. If further time is needed, and no comprehensive solid waste management plan has been adopted covering a solid waste disposal site, a compliance schedule for meeting the requirements of this chapter will be adopted by the department for such site.

(51.13) WAC 18-12-065 RESIDENTIAL OPEN BURNING

(1) No open fire shall be conducted on the premises of any residence:

- (a) within a no burn area designated pursuant to WAC 18-12-095;
- (b) during any stage of an episode (see WAC 18-12-035);
- (c) which fire contains prohibited materials, as set forth in WAC 18-12-045;
- (d) which fire contains any material other than wood, paper and natural vegetation; or

(e) which fire is larger than a small fire.

The premises of a residence include the real property immediately adjacent to the residence which is in the same ownership as the residence and which is not devoted to agricultural use other than yard and gardening activities associated with the residence.

(2) Small fires on the premises of a residence may be conducted for the purpose of disposing of wood, paper and natural vegetation, if

(a) none of the provisions of subsection (1) of this section are violated;

(b) such fires do not violate any regulations of a local fire protection agency authorized to issue burning permits in order to prevent or abate nuisances or any local county or city ordinance or resolution pertaining to nuisance; and

(c) reasonable precautions are taken to prevent particulate emissions whenever paper is being burned.

(51.13) WAC 18-12-075 COMMERCIAL OPEN BURNING

(1) No permit shall be issued for commercial open burning and no commercial open burning shall be conducted:

(a) within a no burn area designated pursuant to WAC 18-12-095;

(b) during any stage of an episode (see WAC 18-12-035);

(c) which burning contains prohibited materials, as set forth in WAC 18-12-045; or

(d) where an approved practical alternate method of disposal certified under WAC 18-12-110 is reasonably available.

(2) No commercial open burning shall be conducted without a permit from the department. Permits shall be issued only if:

(a) none of the provisions of WAC 18-12-075 (1) would be violated by the burning; and

(b) the applicant demonstrates that no approved practical alternate method of disposal certified under WAC 18-12-110 is reasonably available, and

(c) the applicant demonstrates that burning as requested is reasonably necessary to successfully carry out the enterprise the applicant is engaged in; and

(d) the burning will not violate any regulations of a local fire protection agency authorized to issue burning permits in order to prevent or abate nuisances or any local county or city ordinance or resolution pertaining to nuisance.

(3) Taking into consideration population concentration and local conditions affecting air quality, the department shall condition permits issued hereunder so as to minimize air pollution insofar as practical, including but not limited to restricting the permissible hours of burning, restricting the size of fires, imposing requirements for good combustion practice, restricting burning to specified wind conditions.

(51.13) WAC 18-12-085 AGRICULTURAL OPEN BURNING

(1) No permit shall be issued for agricultural open burning and no agricultural open burning shall be conducted:

(a) within a no burn area designated pursuant to WAC 18-12-095;

(b) during any stage of an episode (see WAC 18-12-035);

(c) which burning contains prohibited materials, as set forth in WAC 18-12-045; or

(d) which burning contains any material other than natural vegetation and wood wastes generated on the property which is the burning site or transported to the burning site by wind or water.

(2) Except as provided in subsection (3) of this section, no agricultural open burning shall be conducted without a permit from the department. Permits shall be issued only if:

(a) none of the provisions of WAC 18-12-085 (1) would be violated by the burning, and

(b) the applicant demonstrates that burning as requested is reasonably necessary to successfully carry out the enterprise the applicant is engaged in; and

(c) the burning will not violate any regulations of a local fire protection agency authorized to issue burning permits in order to prevent or abate nuisances or any local county or city ordinance or resolution pertaining to nuisance; and

(d) alternatively, either

(i) the burning is necessary to control disease or insect infestation and other measures to this end are not available; or

(ii) the burning is necessary for the development of physiological conditions conducive to increased crop yield and other measures to this end are not available; or

(iii) the applicant demonstrates that no approved practical alternate method of disposal certified under WAC 18-12-110 is reasonably available.

In making a determination under (d) (i) or (d) (ii) above, the department will consult with the county extension agency.

(3) Agricultural open burning may be conducted without a permit if:

(a) none of the provisions of WAC 18-12-035 (1) would be violated by the burning; and

(b) the burning will not violate any regulations of a local fire protection agency authorized to issue burning permits in order to prevent or abate nuisances or any local or city ordinance or resolution pertaining to nuisance, and

(c) the fire is one acre or less in size and the burning is for the purpose of destroying obnoxious weeds or crop residue along fence rows, ditches, or in cultivated fields.

(4) Taking into consideration population concentration and local condition affecting air quality, the department shall condition permits issued hereunder so as to minimize air pollution insofar as practical, including but not limited to restricting the permissible hours of burning, restricting the size of fires imposing requirements for good combustion practice, restricting burning to specified wind conditions.

(51.13) WAC 18-12-095 NO BURN AREA DESIGNATION

(1) The department shall designate as no burn areas those geographical areas where ambient air quality standards for suspended particulates established by WAC 18-40-030 are being exceeded or threaten to be exceeded. Such designations shall be based on monitoring data gathered at primary air mass stations.

(2) The department shall not designate no burn areas within the boundaries of any activated air pollution control authority, unless there is data to support such designation and the authority, upon notification thereof, refuses to make such designation.

(3) The designation of any area as a no burn area by the department shall be made by rule-making procedure and only after public hearing.

(4) No open burning shall be conducted in any designated no burn area.

(51.13) WAC 18-12-100 DELEGATION OF AGRICULTURAL OPEN BURNING PROGRAM

(1) Whenever the department shall find that any county which is outside the jurisdictional boundaries of an activated air pollution control authority, is capable of administering the permit program of WAC 18-12-085 and desirous of doing so, the department may delegate the administration of such program to the county.

(2) Such delegation may be withdrawn by the department upon a finding that the county is not effectively administering the permit program. Before any such withdrawal of delegation shall be made, the department shall provide the county an opportunity to correct permit program deficiencies.

(51.13) WAC 18-12-110 CERTIFICATION OF ALTERNATIVES TO OPEN BURNING

(1) In order to further the policies of this chapter and policies expressed in chapter 70.94 RCW, the department will undertake to certify its approval of alternate methods of disposal of combustible waste materials.

(2) Certification procedures hereunder may be initiated by the department or upon the request of any person who makes a proposal for certification to the department.

(3) Certification of any alternate shall be made only after public hearing when the department concludes, on the basis of information available to it, that use of the alternate would be reasonably economical and less harmful to the environment than open burning in identified circumstances.

(51.13) WAC 18-12-120 DEPARTMENT OF NATURAL RESOURCES--SMOKE MANAGEMENT PLAN

The department of natural resources has the responsibility for issuing and regulating burning permits for any open fire in areas protected by the department of natural resources when such fires are for the following purposes:

(1) Abating a forest fire hazard;

(2) Preventing a fire hazard;

(3) Instruction of public officials in methods of forest fire fighting;

(4) Any silvicultural operation to improve the forest lands of the state.

Fires set for these purposes must be conducted in accordance with the provisions of the smoke management plan of the department of ecology.

(2.0) WAC 18-12-130 NOTICE OF VIOLATION

The department may issue a notice of violation to the person or entity responsible for the fire whenever any of the following occur:

(1) Conditions of a permit issued hereunder are violated;

(2) Any open fire is ignited or, if ignited is not extinguished, when the person or entity responsible for the fire is aware that any air pollution episode stage has been declared;

(3) An open fire is ignited where, under this chapter, such fires are prohibited or where a permit is required and no such permit has been obtained;

(4) Prohibited materials are burned in an open fire.

Procedures with respect to notices of violation shall be in accordance with RCW 70.94.332.

(2.0) WAC 18-12-140 REMEDIES

Any violation of this chapter may be subject to any penalty or other remedy provided for in chapter 70.94 RCW.

CHAPTER 18-16 WAC

(51.13) BURNING OF FIELD AND TURF GRASSES GROWN FOR SEED

(2.0) WAC 18-16-010 POLICY AND PURPOSE

(1) These rules are enacted under the provisions of the Washington State Clean Air Act, chapter 70.94 RCW, as amended, to assume state jurisdiction over and to control emissions from specific types of agricultural burning.

(2) Authority to enforce all provisions of this regulation, including the establishment of permit conditions and issuance of permits, is delegated to and shall be carried out by all activated air pollution control authorities. In those areas not under the jurisdiction of any activated air pollution control authority, the Department of Ecology shall enforce these regulations, including the establishment of permit conditions and issuance of permits.

(3) It is the policy of the Department of Ecology in carrying out its responsibilities under chapter 70.94 RCW to:

(a) Reduce and ultimately eliminate unnecessary agricultural burning through the earliest possible application of practical alternate methods.

(b) Encourage and assist grass seed producers and processors to conduct or participate in a research and technological program designed to progressively reduce adverse effects on the environment through application of best practicable agricultural practices.

(c) Discourage any increase in the number of acres being burned during the time period alternate methods are being developed to eliminate agricultural burning by the grass seed industry; and to seek an equitable and effective method of preventing an increase in burning.

(1.0) WAC 18-16-020 DEFINITIONS

As used in this chapter:

(1) "Department" means the Department of Ecology.

(2) "Director" means the director of the Department of Ecology.

(3) "Emissions" means a release into the outdoor atmosphere of air contaminants.

(4) "Field grasses" means canarygrass, bromegrass, oatgrass, timothy, ryegrass, wheatgrass, and orchardgrass planted for seed production.

(5) "Open burning" means the combustion of material in the open or in a container with no provisions for control of the combustion or control over the combustion products.

(6) "Particulate" means a small discrete mass of solid or liquid matter, but not including uncombined water.

(7) "Standard conditions" means 60°F. and 29.92 inches of mercury.

(8) "Straw" means all material, other than seed, removed by swathing, combining or cutting.

(9) "Turf grasses" means all blue grasses, fescues, and bentgrass planted to seed production.

(6.0) WAC 18-16-030 COMPLIANCE PROGRAM

(1) No open burning of field grasses or turf grasses shall be undertaken unless a permit therefor has been obtained from the department or from an activated air pollution control authority, as appropriate. The issuance of permits hereunder shall be governed by consideration of air quality conditions in the area where proposed burning is to occur, the time of year, the size and duration of the proposed burning activity, and the applicant's need to carry out such burning as weighed against the public interest in clean air. Permits will be conditioned to minimize air pollution insofar as practical. The department may limit the number of acres for which permits to burn will be issued in order to effectively control emissions from this source and to implement the policy expressed in WAC 18-16-010 (3) (c).

(2) Straw shall be removed prior to open burning of turf grasses. This requirement shall be effective immediately following the 1974 harvest.

(3) Open burning of field grasses shall be prohibited after the 1973 harvest.

(4) Open burning of all turf grasses scheduled for tear out shall be prohibited effective in 1975.

(5) A study, approved by the department, shall be conducted, or caused to be conducted, by the grass seed producers and processors in the state, to determine alternative production methods and disease

controls to eliminate burning of turf grasses. The results of this study shall be given to the department not later than December 1976. The study shall include data on total environmental effects of burning and alternate procedures. Open burning of all turf grasses may be prohibited following an evaluation of this study. Failure to conduct the study shall result in a ban on burning of turf grasses beginning in 1977.

(6) Practical alternative production methods and disease controls which would reduce or eliminate open burning shall be utilized as soon as they become available, regardless of specific provisions of the compliance program included within this section.

(51.13) WAC 18-16-040 MOBILE FIELD BURNERS

Mobile field burners and other methods of incineration, not classified as open burning, shall not be prohibited by the above restrictions, providing emissions do not exceed the following standards:

(1) Visible emissions shall not exceed an opacity of 20% for more than 3 minutes in any one hour;

(2) Particulate emissions shall not exceed 0.1 grains per standard cubic foot of exhaust gas corrected to 7% oxygen at standard conditions, dry.

(2.0) WAC-18-16-050 OTHER APPROVALS

Nothing herein shall relieve any applicant for a permit hereunder from obtaining permits, licenses or approvals required by any other laws, regulations or ordinances.

CHAPTER 18-20 WAC

(2.0) ESTABLISHING REQUIREMENTS FOR THE RECEIPT OF STATE FINANCIAL AID

(2.0) WAC 18-20-010 STANDARDS OF PURPOSE AND APPLICABILITY

These regulations are enacted under the provisions of the Washington Clean Air Act (chapter 70.94 RCW) to establish standards of eligibility for the granting of state financial aid to applicant air pollution control agencies.

(1.0) WAC 18-20-020 DEFINITIONS

(1) "State board" means the state air pollution control board.

(2) "Air pollution control agency" means any activated air pollution control authority.

(3) "Applicant" means an air pollution control agency applying for state financial aid under the provisions of chapter 70.94 RCW.

(4) "Grantee" means an applicant for whom state financial aid has been approved by the state board.

(5) "Locally funded portion" or "local funds" means the funds provided to the applicant agency from sources available to it under chapter 70.94 RCW exclusive of state financial aid or federal funds designated specifically for air pollution.

(6) "Workable program" means a comprehensive statement of objectives for the prevention and control of air pollution and the existing and proposed measures to achieve these objectives as described in WAC 18-20-050.

(7) "Payment ratio" means the ratio of the amount of approved state financial aid to the local funds provided by the grantee.

(2.0) WAC 18-20-030 LIMITATIONS

State financial aid shall be granted to air pollution control agencies qualifying under these regulations subject to the following limitations:

(1) State financial aid shall not exceed an amount equal to fifty percent of the locally funded portion of the annual expenditures of such air pollution control agency in each of the first three years during which state financial aid is utilized by the agency and shall not exceed an amount equal to one hundred percent of the

locally funded portion in each year thereafter.

(2) The state board may limit the amount of financial aid available to a grantee when it becomes necessary due to the lack of sufficient funds available for distribution to meet the needs of all qualified grantees throughout the state.

(3) The state board may limit the amount of financial aid to less than the amount for which the applicant applies when the state board determines that proposed items of expenditure are not consistent with air pollution control program needs in the applicant's area of jurisdiction, or are not in the best interests of a coordinated statewide air pollution control program, or where such items of expenditure duplicate the responsibilities and activities of the state board.

(3.0) WAC 18-20-040 APPLICATIONS

Applications for state financial aid shall be prepared and submitted on forms specified by the board under the following conditions:

(1) Applications shall be filed with the executive director at least fourteen days prior to presentation to the board at a regular or special meeting. The board shall take action as to the disposition of an application within sixty-five days of its first presentation to the board. Applications shall be approved, denied, or deferred: PROVIDED, that where action is deferred the applicant shall be advised of the reasons for such deferral and action shall be taken within a reasonable time.

(2) Applications must contain a statement of need for air pollution prevention and control in the applicant's jurisdiction.

(3) The applicant must describe a workable program and its objectives together with a description of the existing or proposed organization and operational elements through which the program objectives will be attained, together with a proposed timetable of accomplishment. Program goals and proposed budgets shall be included for at least two years beyond the proposed grant period.

(4) The application shall contain the budget of the agency showing all anticipated revenue and sources of revenue, including requested state financial aid, and shall show proposed expenditures covering salaries, equipment and accessories, expendable supplies, travel and such other information as may be deemed necessary by the board.

(5) Any air pollution control activity conducted by the applicant agency or constituent local governments during the twelve-month period immediately prior to the proposed grant period shall be described in the application, including funds budgeted and expended.

(6) It shall be the policy of the state board in reviewing applications for state financial aid and in administering such financial aid to take into consideration the following factors:

(a) The implementation of coordinated statewide air pollution prevention and control.

(b) The responsibilities of the state board with respect to its jurisdiction over any areas or type of air contaminant sources and for monitoring the movement of air contaminants throughout the state.

(c) The needs and financial capability of the air pollution control authorities in the various areas of the state and the relative effectiveness of the authorities.

(d) The capability and reasonable potential of the authorities to perform.

(7) The state board will, from time to time, determine or estimate the amount of state financial aid that will be available and advise the applicants, or potential applicants, as to the availability of such aid or supplemental aid.

(2.0) WAC 18-20-050 WORKABLE PROGRAM

The applicant must provide sufficient information to show that its workable program is designed to provide for effective prevention and control of air pollution through an orderly progression of development, establishment, and improvement of air pollution control programs.

(1) The initial activity of an applicant shall be the development of a plan designed to provide an evaluation of existing and potential air pollution within the jurisdiction of the applicant, including a general inventory of the types of air contaminant sources and their relative contribution to the air pollution problem; to provide for the development of regulations appropriate to the existing air contaminant sources or those which may be reasonably anticipated.

(2) The establishment and improvement of air pollution control programs which constitute the operating control activity of an applicant, shall be oriented to attaining compliance with requirements and regulations of the applicant with respect to air contaminant sources under its jurisdiction.

(3) Sampling and monitoring programs shall be oriented to surveillance for control purposes with respect to those air contaminant sources under the applicant's jurisdiction, except as may be requested

by the state board to supplement the statewide monitoring program.

(4) Budget for personnel, equipment and other operating expenses must be adequate to carry out the program during the grant period for which state financial aid is requested. Total funding from all sources shall provide, as a minimum, for the equivalent of one full-time person: *PROVIDED*, that the state board may approve the sharing of personnel with another agency, the utilization of part-time staff, or persons under contract when these methods can be demonstrated as an effective means of carrying out the program and the purposes of the Washington Clean Air Act.

(5) The locally funded portion of the annual operating cost, budgeted and expended in any grant period for which application is made for state financial aid, shall not be less than the locally funded annual expenditure for air pollution control during the twelve-month period immediately preceding the proposed grant period, unless it can be demonstrated by the applicant that there were necessary nonrecurring expenditures in the previous period or that the program objectives and the purposes of the Washington Clean Air Act can reasonably be met with a reduced expenditure.

(2.0) WAC 18-20-060 GRANT CONDITIONS

(1) No grant of state funds shall be made to any grantee for a period in excess of twelve months.

(2) Any state financial aid granted shall be used solely for carrying out the program outlined in the approved application or approved amendment as provided in section WAC 18-20-040 and -080.

(3) The grantee shall provide for and maintain such accounting, budgetary, and other fiscal procedures so as to assure the proper and efficient administration of funds. The fiscal records shall be such as to reflect currently the receipt and disposition of all funds including state financial aid. Such records and documents pertinent to the receipt and disposition of funds shall be kept available for review and audit.

(4) The grantee shall submit quarterly financial and progress reports to the state board.

(2.0) WAC 18-20-070 PAYMENTS

(1) "Payment period" means the period of time for which money for state financial aid is paid to the grantee upon receipt and approval by the state department of health of a properly executed voucher.

(2) Grantees shall initiate requests for payment of state financial aid

for the appropriate payment period utilizing properly executed vouchers furnished by the state department of health. The voucher shall state the requested amount of state financial aid and the expenditure of local funds during the payment period. Local funds expended for any item may be shown as the appropriate portion of the total expenditure when the expenditure properly includes the use of, or anticipates, reimbursement with federal or state grant funds.

(3) Upon approval of the voucher by the executive director and the state department of health, payment for the appropriate payment period shall be authorized.

(4) Payments of state financial aid shall be made by way of reimbursement and shall be in an amount determined by multiplying the payment ratio by the amount of local funds expended by the grantee during the payment period. Such payments may be increased or decreased by the amount that prior payments of state financial aid exceed or are less than the appropriate state share of the costs as may have been determined by subsequent review of audit.

(5) Final payment of state financial aid shall be based upon approved vouchers properly reflecting the payment ratio applied to the entire grant period.

(6) Vouchers for the final payment period during a grant period ending in an odd-numbered year must be submitted by the grantee by the 12th day of July of that year.

(7) The executive director may withhold approval of the vouchers submitted by the grantee if he finds that said grantee has failed to comply with any of the grant conditions or any other requirement or condition imposed by these regulations or chapter 70.94 RCW, for a period not to exceed thirty days. If at the end of such period the matter has not been resolved and the executive director has not approved said vouchers, the grantee may request an administrative hearing before the state board pursuant to the provisions of chapter 18-08 WAC.

(2.0) WAC 18-20-080 CHANGES, AMENDMENTS AND SUPPLEMENTAL STATE FINANCIAL AID

(1) Changes in the workable program of a grantee during the grant period which would not substantially affect the workable program, nor increase the total cost to the state, and which are for the purpose of improving the operation and performance of the workable plan, may be made: PROVIDED, that written approval in advance is obtained from the executive director of the state board.

(2) Changes in the workable program of a grantee during the grant period which would significantly alter the workable program shall not be made until the grantee has submitted to, and the state board has approved, an amendment to the original application.

(3) Application for supplemental state financial aid may be made by the grantee when notice is given by the state board that such supplemental funds have become available. The application shall be made as an amendment to the previously approved workable program of the grantee and shall include proposed additions in or improvements to the workable program and proposed changes in the budget including the additional local funds to be provided. The state board may approve additional financial aid to the extent such funds become available having considered the needs of all grantees throughout the state.

(2.0) WAC 18-20-090 TERMINATION

The state board may terminate state financial aid, in whole or in part, to any grantee when it finds, after reasonable notice and opportunity for hearing under the provisions of chapter 18-08 WAC that the grantee has failed to comply with any of the conditions of the approved application or amendments thereto or any of the requirements or conditions imposed by or pursuant to these regulations or the Washington Clean Air Act.

Upon the effective date of termination, the grantee shall promptly render an accounting and final statement as would similarly be required for request for payment of state financial aid under WAC 18-20-070. The state board may authorize payment of the state's share of the amount required to settle at minimum cost any contractual obligations properly incurred by the grantee prior to the date of termination, if the state board finds that the grantee acted in good faith in incurring the obligations.

(2.0) WAC 18-20-100 FEDERAL GRANTS

The standards and requirements of these regulations establishing the eligibility of air pollution control authorities for state financial aid shall be equally applicable to the applications of such agencies for federal grants under the provisions of the 1969 amendments to the Washington Clean Air Act (chapter 70.94 RCW, chapter 168, section 18, Laws of 1969, 1st Ex. Sess.).

CHAPTER 18-24

(12.0) STATE JURISDICTION OVER MOTOR VEHICLES

(2.0) WAC 18-24-010 STATEMENT OF PURPOSE AND APPLICABILITY

These regulations are enacted under the provisions of the Washington Clean Air Act to provide for the assumption of jurisdiction by the department of ecology over motor vehicles as defined herein, for the purpose of preventing and controlling air contaminant emissions resulting from the operation of motor vehicles.

(1.0) WAC 18-24-020 DEFINITIONS AS USED IN THIS CHAPTER

(1) "Commence construction or modification" means to begin a continuous program to complete construction or modification of a complex source through initiation of physical changes at the site, including site clearing, grading, dredging, or landfilling. For the purposes of this definition, interruptions resulting from acts of God, strikes, litigation, or other matters beyond the control of the owner or operator, shall be disregarded in determining whether a construction or modification program is continuous.

(2) "Complex source" means any building, structure, facility, or installation the operation or use of which at the location proposed, may indirectly result in an increase in the ambient air in the concentration of air contaminants emitted by motor vehicles. Such sources shall include but not be limited to:

(a) Highways and roads;
(b) Parking lots and garages;
(c) Shopping centers;
(d) Recreational centers and amusement parks;
(e) Sports stadiums;
(f) Airports; and
(g) Commercial or industrial developments.

(3) "Construction" means fabrication,erection, or installation of a complex source.

(4) "Department" means the department of ecology.

(5) "Director" means the director of the department of ecology or his authorized delegate.

(6) "Local air pollution control agency" means any activated air pollution control authority established and existing pursuant to the provisions of the Washington Clean Air Act, Chapter 70.94 RCW.

(7) "Local government" means any county, city, town or political subdivision (other than a state or federal agency or a local air pollution control agency).

(8) "Modification" means alteration, expansion, or change of use of a complex source.

(9) "Motor vehicle" means any operating vehicle or one capable of being operated which has its own self-contained sources of motive power, is designed for the transportation of people or property, and is of the type for which a license is required for operation on a highway.

(10) "Owner or operator" means any person who owns, leases, operates, controls, or supervises a complex source.

(11) "Residential parking facility" means a parking facility, the use of which is limited exclusively to residents (and guests) of a residential building or group of buildings, and in which no commercial parking is permitted.

(12) "Person" means any individual, municipal, public or private corporation, association, partnership, firm, political subdivision, or agency of state or federal government.

(13) "Stationary source" means any building, structure, facilities, or installation which emits or may emit an air contaminant.

(14) "Vehicle trip" means a trip by a single vehicle which begins or ends as a result of the operation or maintenance of a complex source.

(2.0) WAC 18-24-030 ASSUMPTION OF JURISDICTION

The department, finding that the prevention and control of air pollution from motor vehicles should be regulated on a state-wide basis, hereby assumes jurisdiction over motor vehicles for the purpose of controlling air contaminant emissions from the operation of such motor vehicles. This assumption of jurisdiction includes the state-wide regulation of the construction and modification of complex sources in order to control the concentrations of air contaminant emissions from motor vehicles which may indirectly result from the operation or use of such complex sources.

(12.0) WAC 18-24-040 STANDARDS OF MOTOR VEHICLES

No person shall remove or render inoperable any devices or components of any systems on a motor vehicle installed as a requirement of federal law or regulation for the purpose of controlling air contaminant emissions, subject to the following conditions:

(1) The components or parts of emission control systems on motor vehicles may be disassembled or reassembled for the purpose of repair and maintenance in proper working order.

(2) Components and parts of emission control systems may be removed and replaced with like components and parts intended by the manufacturer for such replacement.

(3) The provisions of this section (WAC 18-24-040) shall not apply to salvage operations on wrecked motor vehicles when the engine is so damaged that it will not be used again for the purpose of powering a motor vehicle on a highway.

(2.0) WAC 18-24-050 EFFECTIVE DATE

WAC 18-24-060 through WAC 18-24-120 shall become effective August 15, 1974.

(2.0) WAC 18-24-060 DELEGATION

When any local air pollution control agency so requests and provides a description demonstrating the capability to carry out the provisions of this chapter relating to complex sources, the director may delegate to such agency the performance and/or enforcement of all or any portions of such provisions within the geographic area comprising such agency.

(2.0) WAC 18-24-070 APPLICABILITY OF COMPLEX SOURCE PROVISIONS

(1) This chapter shall not apply to any complex source for which the necessary authorizations required by any local government to commence construction or modification have been obtained prior to the effective date hereof and the construction or modification thereof is commenced before January 1, 1975; nor to any source which must be approved by the United States Environmental Protection Agency under an applicable federal regulation for complex sources or for parking management; nor to any residential parking facility used for a dwelling, housing not more than four families.

(2) Except as stated in (1) above, this chapter shall apply to all new or modified complex sources in the state which meet any one of the following criteria:

(a) Any new or modified complex source which will provide 1,000 or more parking spaces;

(b) New highways which will be designed for a motor vehicle usage of 20,000 or more vehicles per day;

(c) Modified highways which will be designed to increase vehicle usage by 10,000 or more vehicles per day;

(d) New airports which will have 50,000 or more regularly scheduled operations per year or use by 1,600,000 passengers per year, within 10 years after construction; or existing airports which will be modified to increase regularly scheduled operations by 50,000 or more per year or increase the number of passengers by 1,600,000 or more per year;

(e) Any complex source located in King, Pierce, Snohomish, Clark or Spokane counties which will provide 250 or more parking spaces;

(f) Any complex source constructed or modified in increments which individually are not subject hereto, but which in sum bring the total project within any of the criteria of (a) through (e) above.

(2.0) WAC 18-24-080 FEE

The department shall require the payment of a fee by owners or operators in connection with the notice and review procedures of WAC 18-24-090, such fee to cover the actual expenses of the department in conducting the review provided for and of administrative costs associated therewith. The method of determining fees will be set forth in guidelines on file at the department.

(2.0) WAC 18-24-090 REVIEW OF PROPOSED CONSTRUCTION OR MODIFICATION

(1) No owner or operator shall commence construction or modification of a complex source subject to this chapter unless the review procedures of this section have been followed and an order of approval therefor issued by the department is in effect.

(2) Owners or operators shall submit to the department an application for review setting forth:

(a) The general nature of the complex source;

(b) The location of the complex source;

(c) The number of parking spaces provided;

(d) An estimate of the maximum number of vehicle trips generated by the operation of the complex source for any 1-hour and for any 8-hour period;

(e) A description of the facilities for motor vehicle access, including parking, to and from the source when completed, and;

(f) Such other explanatory information as the owner or operator may choose to include.

(3) At the time of submission of such application to the department, the owner or operator shall submit copies thereof to all local governments from which authorizations are required in order to construct or modify the complex source and to any local air pollution control authority within whose boundaries the complex source is located. When review functions hereunder have been delegated to a local air pollution authority, a copy of the application shall, nonetheless, be submitted to the department.

(4) If, within 15 days of receipt of the notice, the department determines that further information is needed to evaluate motor vehicle related air contamination indirectly resulting from the operation or use of the complex source, the department shall so notify the owner or operator and such owner or operator shall submit to the department such additional information as the department may require. This may include, but shall not be limited to, information on:

(a) The nature and amounts of motor vehicle emissions anticipated to be associated with the operation and maintenance of the complex source;

(b) The design, construction, operation, and maintenance of the complex source as it relates to associated motor vehicle usage.

(c) Existing air quality in the vicinity of the complex source and an estimate of the impact of the proposed source on air quality.

(5) The department shall, according to procedures on file at the department, review all information, and within thirty days after all needed information has been submitted, provide an analysis of the effect of the operation or use of the complex source on ambient air quality and a description of the department's proposed approval or disapproval.

(a) The analysis provided for in this subsection and the department's proposed action, together with the information submitted by the owner or operator, shall be made available to the public in at least one location in each county in which the complex source is to be located. The availability of such materials shall be made known by notice published in a newspaper of general circulation in each county in which the complex source is to be located. A copy of such notice shall be sent to the United States Environmental Protection Agency and appropriate state and local agencies. There shall be a thirty-day period after publication for written comment on the air quality effects of the complex source. Only written comments will be considered by the department.

(b) After consideration of comments and any additional information submitted during the comment period, and within forty-five days after publication, the department shall issue an order of approval or an order of prevention of the construction or modification of the complex source.

(i) An order of approval hereunder shall include such conditions of operation as the department finds reasonably necessary to attain or maintain any air quality standard for any motor vehicle related contaminant or to prevent interference with the achievement of any provision of the Washington State Implementation Plan for National Ambient Air Quality Standards, as approved or promulgated by the United States Environmental Protection Agency.

(ii) An order of prevention hereunder shall be issued only upon finding by the department that, taking into consideration all reasonable conditions of operation which might be imposed, operation, maintenance, or use of the complex source either will prevent the attainment or maintenance of an air quality standard for a motor vehicle related air contaminant or will interfere with the achievement of a provision of the Washington State Implementation Plan for National Ambient Air Quality Standards, as approved or promulgated by the United States Environmental Protection Agency.

(2.0) WAC 18-24-100 DURATION OF APPROVAL ORDERS

Orders of approval issued under WAC 18-24-090 shall be effective for twenty-four months after the date of their issuance. If more than twenty-four months have elapsed after an order for approval has been issued and construction or modification of a complex source, pursuant to such an order, has not commenced, the owner or operator must submit sufficient additional information to enable the department to determine whether the initial approval should be extended. Review of such information shall be conducted as set forth in WAC 18-24-090 (5), including the notice and comment provisions thereof. No extension shall be effective for more than twenty-four months.

(2.0) WAC 18-24-110 GENERAL RESPONSIBILITIES

Issuance of an order of approval hereunder shall not affect the responsibility of the owner or operator to comply with all applicable portions of the Washington Clean Air Act and rules adopted thereunder and with applicable provision of the Washington State Implementation Plan for National Ambient Air Quality Standards as approved or promulgated by the United States Environmental Protection Agency.

(2.0) WAC 18-24-120 INFORMATION IN ENVIRONMENTAL IMPACT STATEMENTS

To avoid duplication of effort, the department in carrying out the review provided for in WAC 18-24-090, when possible, will utilize as a source of information, environmental impact statements prepared by other entities. However, nothing herein shall relieve the owner or operator of a complex source of the requirement to submit a preliminary notice to the department and the department may require the submission of information additional to that contained in the environmental impact statement.

(2.0) WAC 18-24-130 SANCTIONS

Violations of this chapter shall be subject to the sanctions provided in chapter 70.94 RCW, Washington Clean Air Act. No other of approval issued hereunder shall be construed to authorize the violation of any ambient air quality standard by virtue of the operation or use of any complex source.

CHAPTER 18-28 WAC

(51.12)
(51.14)
(51.17)

INFORMATION REPORTING BY THERMAL POWER PLANTS, ALUMINUM PLANTS, AND CHEMICAL WOOD PULP MILLS

(2.0) WAC 18-28-010 STATEMENT OF PURPOSE AND APPLICABILITY

These rules are enacted under the provisions of the "Washington Clean Air Act" to provide a basis for the obtaining and compiling of necessary information to enable the state air pollution control board to establish standards for certain types or classes of air contaminant sources for the purpose of preventing and controlling air pollution and prescribing interim procedures with respect to new construction or major alteration of certain types or classes of air contaminant sources.

(1.0) WAC 18-28-020 DEFINITIONS

(1) "State board" means the state air pollution control board.

(2) "Thermal power reduction" means the production of electrical energy through the use of any fuel, including nuclear materials, for distribution through private and public power agencies for public use.

(3) "Chemical wood pulping" means the production of pulp by digestion of wood with solutions of various chemicals to obtain separation of lignin from cellulose wood fibers.

(4) "Primary aluminum reduction" means the production of aluminum from alumina in electrolytic cells.

(2.0) WAC 18-28-030 SUBMISSION OF INFORMATION

The owner, manager, or other person operating or responsible for operating chemical wood pulping mills and primary aluminum reduction plants, shall submit information to the state board under the following conditions:

(1) Information shall be on forms provided by, or in a manner acceptable to, the executive director of the state board.

(2) Information shall be submitted within ninety days after the effective date of this regulation for existing installations.

(3) The information shall include:

(a) Ownership, address, location, and name of manager of the plant.

(b) A description of the primary process and ancillary or complementary processes at the same location together with a description of air contaminant sources.

(c) Description and quantities of raw materials used and products produced.

(d) A description of available data on the emission of air contaminants as to kind and quantity from each source, size and height of emission points, the concentration of air contaminants in the carrying gas stream, and a description of the method of measurement or estimation used in developing the data.

(e) A description of available data obtained through measurements of air contaminants in the ambient air, vegetation or other environmental media, as they relate to the operation of the air contaminant source(s), and a description of the measurement methods used or proposed.

(f) A description of the system, methods, and equipment used for controlling or preventing the release of air contaminants and available data on efficiency of air contaminant removal.

(4) The available data as described under subsection (3) (d), (e), and (f) above shall be furnished to the executive director of the state board when such data is requested by him.

(2.0) WAC 18-28-040 INTERIM PROCEDURE

(1) Until such time as the state board adopts regulations setting forth standards and requiring the submission of plans, specifications and other pertinent information as a condition precedent to the construction, installation, establishment, or major alteration of air contaminant sources, the person operating or responsible for the operation of chemical wood pulping mills, primary aluminum reduction plants, and thermal power plants shall submit to the state board information equivalent to that required under WAC 18-28-030 for the purpose of review and consultation as to the adequacy of the proposed control measures and conformance with good industrial practice.

(2) The required information shall be submitted not later than sixty days prior to start of construction.

(14.0) WAC 18-28-050 CONFIDENTIAL INFORMATION

Information submitted to the state board in accordance with this regulation shall be handled as provided in the Washington Clean Air Act, where applicable, with respect to confidential information.

CHAPTER 18-32 WAC

(50.5) ## CARBON MONOXIDE REGULATION

AMENDMENTS

(2.0) ### WAC 18-32-010 PREAMBLE

In the interest of the people of the State of Washington, it is the objective of the Department of Ecology to obtain and maintain the cleanest air possible, consistent with the highest and best practicable control technology.

In areas where existing concentrations are lower than concentrations allowed by the standards enumerated below, degradation of the atmosphere should be minimized. The highest and best practicable control technology should be applied to all sources unless it is determined by the responsible air pollution control agency that application of lesser technology is justified. Air quality standards should not be construed to encourage degradation of existing air quality.

(1.0) ### WAC 18-32-020 DEFINITIONS

(1) Ambient Air - The surrounding outside air.

(2) Air Quality Standard - An established concentration, exposure time, and frequency of occurrence of a contaminant or multiple contaminants in the ambient air which shall not be exceeded.

(3) Air Quality Objective - The concentration and exposure time of a contaminant or multiple contaminants in the ambient air below which, according to present knowledge, undesirable effects will not occur.

(4) Primary Air Mass Station (PAMS) - A station designed to measure contamination in an air mass and representing a relatively broad area. The sampling site shall be representative of the general area concerned. The probe inlet shall be a minimum of fifteen feet and a maximum of one hundred and fifty feet above ground level. Actual elevation should vary to prevent adverse exposure conditions caused by surrounding buildings and terrain. The probe inlet shall be placed ten to twenty feet above a supporting rooftop and meteorological measurements, if taken, shall be made at approximately the same level as the probe inlet.

(5) Primary Ground Level Monitoring Station (PGLMS) - A station designed to provide information on contaminant concentrations near the ground and provide data valid for the immediate area only. The probe inlet shall be six to fifteen feet above ground level, with an optimum height of ten feet. The probe inlet shall not be less than two feet from any building or wall. The sampling site shall be representative of the immediate area.

(4.5) WAC 18-32-030 AIR QUALITY STANDARD

Carbon monoxide in the ambient air measured at either a primary air mass or a primary ground level monitoring station shall not exceed the following values:

(a) 10 milligrams per cubic meter (9 ppm) - 8-hour average concentration not to be exceeded more than once per year at any location where people would be exposed to such concentrations for 8 hours or more.

(b) 40 milligrams per cubic meter (35 ppm) - 1-hour average concentration not to be exceeded more than once per year.

(2.0) WAC 18-32-040 AIR QUALITY OBJECTIVE

In recognition of the need for continuing improvement of the quality of the air resource, it is the intent of the Department of Ecology to work toward the achievement of the following objective for carbon monoxide:

(1) Average concentrations that shall not exceed five parts per million by volume for any consecutive twenty-four hours.

(2.0) WAC 18-32-050

Local and regional air pollution control agencies monitoring carbon monoxide shall notify the Department of Ecology of all violations of this regulation. The notification shall be submitted in writing on a quarterly basis and shall provide the following information:

(1) Location of sampler.
(2) Dates and inclusive times of each violation.
(3) Concentrations recorded for each violation.
(4) Type of sampler used.
(5) Other relevant information as requested by the Department of Ecology.

(9.0) (13.0) WAC 18-32-060 METHOD OF DETERMINATION AND REPORTING FOR CONTINUOUS INFRARED ANALYSIS

The following infrared method shall be used for the measurement of carbon monoxide. However, other continuous and manual methods of measurement may be used as an alternate, after they are accepted and approved by the State Department of Ecology, and can be shown to be comparable to the infrared technique in reproducibility, selectivity, sensitivity and accuracy.

(1) To monitor atmospheric carbon monoxide with an automatic analyzer, the following equipment and materials are recommended:

(a) One Luft infrared analyzer, complete with pump, control devices, and readout unit (i.e. strip chart recorded).

(b) One or two silica gel drying tubes. Recommended drier construction being tubing three inches in diameter and twelve inches long of plastic or heavy walled glass. This drying unit to be mounted in line between the sample, zero, and span gas switching manifold and the instrument input port. The second drying tube kept sealed and in reserve until required.

The recommended unit has a life of two or three days under the most saturated atmospheric conditions. Replace drying tubes when one inch of blue color remains visible. The second drying tube is used as an exchange at this time.

Regeneration of the silica gel is done by drying in an open vessel at 105°C. until complete dark blue color has returned to the 6 to 16 mesh crystals. The time requirement for drying will vary with volume, but the silica gel should not be dried at high temperatures to shorten this period.

(c) Glass wool - used as particulate matter filters in each end of the inline drying tube.

(d) Tubing - sufficient one-fourth inch "Tygon" or equivalent to allow flexible connection between the gas manifold, the drier, and the instrument input port.

(e) One cylinder of zero gas of reconstituted air (twenty-one percent oxygen, seventy-nine percent nitrogen) known to be free of carbon monoxide. Carbon monoxide free gas may be certified as such by letter from the vendor, but it is preferred that each tank is checked against a known standard.

(f) One cylinder of span gas made of carbon monoxide and either reconstituted air or nitrogen. The carbon monoxide concentration to be in the range of twenty five to thirty five parts per million. On a zero to one hundred parts per million range, the analyzer will be checked semi-annually for linearity; a nominal concentration of twenty, forty, sixty, and eighty parts per million.

(g) Two two-stage pressure regulators with attendant valves and restraints for installation of gas cylinders.

(h) Sufficient copper tubing, one-quarter inch inside diameter, refrigeration grade, to plumb the cylinders of zero, and span gas to the control panel.

(2) In the operation and calibration of the instrument, the instrument must be allowed to reach operating temperature before data is recorded. Allow at least two hours for the instrument to reach temperature equilibrium. It should then be balanced, zeroed, and spanned. Zeroing and spanning shall be repeated at least once each week. The zero and span gases and the sample air shall be passed through a drier or other Department approved humidity control devices, to maintain a constant moisture content.

The instrument shall be balanced whenever there is inadequate zero and span adjustment available on the control panel and whenever maintenance is performed on the instrument's electrical or optical systems.

(3) Carbon dioxide (CO_2) response should be less than one part per million indicated CO for one thousand parts per million CO_2. As atmospheric concentrations are in the order of three hundred parts per million CO_2, the interference from CO_2 should always be less than 0.5 part per million CO.

Water vapor concentration varies very widely in the atmosphere, and a rejection ratio of 2500:1 (two thousand five hundred parts per million H_2O may cause a response of not more than one part per million CO) is acceptable. To correct for conditions where wide variations in atmospheric moisture content occur, proper humidity controls must be applied to assure that sample, zero, and span gases all have the same relative humidity when passed into the analyzer. Insertion of a drier in the sampling line of the instrument to assure a saturated gas stream at all times is one way of correcting for water vapor interference.

Other contaminants in concentrations commonly found in the atmosphere, do not interfere with the infrared carbon monoxide analysis.

(4) Data shall be recorded on strip chart recorders, tape units or other devices compatible with the analyzer and data processing system in use. Results shall be reported in parts per million and data for each day shall include:

(a) All hourly averages (a minimum of six instantaneous or integrated readings at approximately equal intervals are needed each hour to calculate the average).

(b) Maximum hourly average and time of occurrence.

(c) Twenty-four hour average.

(d) Number hours > nine parts per million.

(e) Maximum eight-hour average and time of occurrence.

(f) All eight-hour averages > nine parts per million and times of occurrences.

CHAPTER 18-36

(51.14)

KRAFT PULPING MILLS

(2.0) WAC 18-36-010 STATEMENT OF POLICY AND PURPOSE

(1) These rules are enacted under the provisions of the 1969 amendments to the "Washington Clean Air Act" (Chapter 70.94 RCW, Chapter 168, Section 39, Laws of 1969, 1st Ex. Sess.) to assume state jurisdiction over emissions from kraft pulping mills in order to provide for the systematic reduction and control of air pollution in the kraft pulping industry.

(2) Recent technological developments have enhanced the degree of malodorous emission control possible for the kraft pulping process. It is hereby declared to be the policy of the state board to:

(a) Require, in accordance with a specific program and timetable for each operating mill, the highest and best practicable treatment and control of emissions from kraft mills through the utilization of technically feasible equipment, devices and procedures.

(b) Require effective monitoring and reporting of emissions and reporting of other data pertinent to air quality or emissions. The state board will use these data in conjunction with ambient air data and observation of conditions in the surrounding area to develop and revise emission standards and air quality standards, and to determine compliance therewith.

(c) Encourage and assist the kraft pulping industry to conduct a research and technological development program designed to progressively reduce kraft mill emissions, in accordance with a definite program, including specified objectives and time schedules.

(d) Establish standards deemed to be technically feasible and reasonably attainable, with the intent of revising the standards as new information and better technology are developed.

(1.0) WAC 18-36-020 DEFINITIONS

(1) "Air quality standard" means an established concentration, exposure time and frequency of occurrence of a contaminant or multiple contaminants in the ambient air which shall not be exceeded.

(2) "Continual monitoring" means sampling and analysis, in a continuous or timed sequence, using techniques which will adequately reflect actual emission levels or concentrations on a continuous basis.

(3) "Emission" means a release into the outdoor atmosphere of air contaminants.

(4) "Emission standard" means a limitation on the release of a contaminant or multiple contaminants to the ambient air.

(5) "Equivalent air-dried kraft pulp" means pulp production which produces a loading of black liquor solids to the recovery furnace equivalent to that loading produced with kraft pulp.

(6) "Kraft mill" or "mill" means any pulping process which uses, for a cooking liquor, an alkaline sulfide solution containing sodium hydroxide and sodium sulfide.

(7) "Non-condensibles" means gases and vapors from the digestion and evaporation processes of a mill that are not condensed with the equipment used in those processes.

(8) "Other sources" means sources of odorous sulfur emissions including, but not limited to, vents from lime kilns, knotters, brown stock pulp washers, multiple-effect evaporators, digesters, blow tanks, smelt tanks, blow heat accumulators, black liquor storage tanks, black liquor oxidation systems, tall oil recovery operations, and any operation connected with the handling of condensate liquids within the mill or any vent which may be a significant contributor of odorous gases.

(9) "Particulate matter" means a small, discrete mass of solid or liquid matter but not including uncombined water.

(10) "p.p.m. (parts per million)" means parts of a contaminant per million parts of gas by volume.

(11) "Recovery furnace stack" means the stack from which the products of combustion from the recovery furnace are emitted to the ambient air.

(12) "State Board" means Washington State Air Pollution Control Board.

(13) "Total reduced sulfur, (TRS)" means hydrogen sulfide, mercaptans, dimethyl sulfide, dimethyl disulfide, and any other organic sulfides present.

(2.0) WAC 18-36-030 EMISSION STANDARDS

(1) All emission standards in this section are based on average daily emissions. These limitations do not preclude a requirement to install the highest and best practicable treatment and control available.

(2) The emission of TRS from all recovery furnace stacks shall not exceed two pounds of sulfur per ton of equivalent air-dried kraft pulp or, from each recovery furnace stack, seventy p.p.m. expressed as hydrogen sulfide on a dry basis, whichever is the more restrictive.

(3) The emission of TRS from all recovery furnace stacks shall be further reduced so as not to exceed one-half pound of sulfur per equivalent ton of air-dried kraft pulp, or from each recovery furnace stack seventeen and one-half p.p.m., expressed as hydrogen sulfide on a dry gas basis, whichever is the more restrictive, or such other limit of TRS that proves to be reasonably attainable utilizing the latest in design of recovery furnace equipment, controls, and procedures. All kraft mills shall be in compliance with this requirement by not later than July, 1975.

(4) Non-condensibles from digesters and multiple-effect evaporators shall be treated to reduce the emission of TRS equal to the reduction achieved by thermal oxidation in a lime kiln. All kraft mills shall be in compliance with this requirement by not later than July, 1972

(5) The emission of particulate matter from all recovery furnace stacks shall not exceed four pounds per ton of equivalent air-dried kraft pulp. Where necessary, particulate emission limitations may be set lower by the state board. All kraft mills shall be in compliance with this requirement by not later than July, 1975.

(6) The emission of particulate matter from all lime kilns shall not exceed one pound per ton of equivalent air-dried kraft pulp. All kraft mills shall be in compliance with this requirement by not later than July, 1975.

(7) The emission of particulate material from all smelt tanks shall not exceed one-half pound per ton of equivalent air-dried kraft pulp. All kraft mills shall be in compliance with this requirement by not later than July, 1972.

(8) Kraft mills producing less than two-hundred air-dried tons of pulp per day shall be deemed to be in compliance if the emissions are not greater than the emissions allowed for a two hundred air-dried tons of pulp per day plant.

(6.0) WAC 18-36-040 COMPLIANCE

Compliance shall be in accordance with the procedures set forth in chapter 18-60 WAC, but in no case shall full compliance be later than the time limitations established in WAC 18-36-030.

WAC 18-36-045 Repealed

(16.0) WAC 18-36-050 PUBLIC HEARING

A public hearing shall be held by the state board not later than July, 1973, to review current technology and adequacy of the above standards and to make revisions as necessary.

(51.14) WAC 18-36-060 MORE RESTRICTIVE EMISSION STANDARDS

The state board may establish more restrictive emission standards for new mills or for mills expanding existing facilities. Data documenting projected emissions and changes in, or affects upon air quality, that would result from the construction or expansion, must be submitted to the state board together with plans and specifications in accordance with the provisions of WAC 18-36-080.

(9.0) (13.0) WAC 18-36-070 MONITORING AND REPORTING

(1) Every kraft mill in the state shall install equipment for the continual monitoring of TRS.

  (a) The monitoring equipment shall be capable of determining compliance with these standards and shall be capable of continual sampling and recording of the concentrations of TRS contaminants during a time interval not greater than thirty minutes.

  (b) The sources monitored shall include, but are not limited to, the recovery furnace stacks and the lime kiln stacks.

(2) Each mill shall sample the recovery furnace, lime kiln, and smelt tank for particulate emissions on a regularly scheduled basis in accordance with its approved sampling program.

(3) Each mill shall submit within sixty days after effective date of this regulation a detailed monitoring program and time schedule for approval by the state board. The equipment shall be ordered within thirty days after the monitoring program has been approved in writing by the state board. The equipment shall be placed in effective

operation in accordance with the approved program within ninety days after delivery.

(4) Unless otherwise authorized by the state board, data shall be reported by each mill at the end of each calendar month, as follows:

(a) Daily average emission of TRS gases expressed in parts per million on a dry gas basis for each source included in the approved monitoring program.

(b) The number of hours each day that the emission of TRS gases from each recovery furnace stack exceeds seventy p.p.m. dry and the maximum concentration of TRS measured each day.

(c) Emission of TRS gases in pounds of sulfur per equivalent air-dried ton of pulp processed in the kraft cycle on a monthly basis for each source included in the approved monitoring program.

(d) Emission of particulates in pounds per equivalent air-dried ton of pulp produced in the kraft cycle based upon sampling conducted in accordance with the approved monitoring program.

(e) Average daily equivalent kraft pulp production in air-dried tons.

(f) Other emission data as specified in the approved monitoring program.

(5) Each kraft mill shall furnish, upon request of the state board, such other pertinent data as the board may require to evaluate the mill's emission control program. Each mill shall immediately report abnormal mill operations which result in increased emissions of air contaminants, following procedures set forth in the approved monitoring program.

(2.0) WAC 18-36-080 NOTICE OF CONSTRUCTION AND SUBMISSION OF PLANS AND SPECIFICATIONS

(1) Prior to the construction, installation, or establishment of a kraft mill, a notice of construction shall be submitted to the state board. Within thirty days of its receipt of such notice, the state board may require the submission of plans, specifications, and other information as it deems necessary, in order to determine whether the proposed construction, installation or establishment will be in accordance with applicable regulations. If, within thirty days of the receipt of plans, specifications, or other information required pursuant to this regulation, the state board determines that the proposed construction, installation, or

establishment will not be in accord with applicable regulations, it shall issue an order for the prevention of construction, installation, or establishment of the kraft mill. Failure to issue such an order within the time prescribed herein shall be deemed a determination that the construction, installation, or establishment may proceed, provided that it is in accordance with the plans, specifications and other information required to be submitted.

(2) Addition to, or enlargement or replacement of a kraft mill or any major alteration therein shall be construed as construction, installation, or establishment.

(2.0) WAC 18-36-090 SPECIAL STUDIES

(1) Special studies, having prior approval of the state board, shall be conducted at each mill, and the results thereof submitted to the state board by July, 1971. The studies shall cover the following areas:

(a) Evaluation of the emissions of TRS from all other sources within the mill.

(b) Evaluation of the emissions of sulfur dioxide from all sources within the mill, including but not necessarily limited to, the recovery furnace, lime kiln, and power boilers.

(c) Evaluation of water vapor emissions from all sources within the mill.

(2) The state board may require such additional special studies relevant to air pollution and establish completion dates as it determines necessary.

(2.0) WAC 18-36-100 EXEMPTION

These regulations do not apply to open burning and power boiler operations conducted at the site of and ancillary to the kraft pulp mill operation.

CHAPTER 18-38 WAC

(51.14) SULFITE PULPING MILLS

(2.0) WAC 18-38-010 STATEMENT OF POLICY AND PURPOSE

(1) These rules are enacted under the provisions of the "Washington State Clean Air Act" (Chapter 70.94 RCW, Chapter 168, Section 39, Laws of 1969, 1st. Ex. Sess.) to assume state jurisdiction over emissions from sulfite pulping mills in order to provide for the systematic reduction and control of air pollution in the sulfite pulping industry.

(2) It is the policy of the Department of Ecology:

(a) To require, in accordance with a specific program and timetable for each operating mill, the highest and best practicable treatment and control of emissions from sulfite mills through the utilization of technically feasible equipment, devices, and procedures.

(b) To require the evaluation of improved and effective measuring techniques for sulfur oxides, total reduced sulfur, particulates, and other emissions from sulfite pulping mills.

(c) To require effective measuring and reporting of emissions and reporting of other data pertinent to emissions. The Department will use these data in conjunction with ambient air data and observation of conditions in the surrounding area to develop and revise emission standards and air quality standards, and to determine compliance therewith.

(d) To encourage and assist the sulfite pulping industry to conduct a research and technological development program designed to progressively reduce sulfite mill emissions, in accordance with a definite program with specific objectives.

(e) To establish standards deemed to be technically feasible, reasonably attainable, and necessary for the attaining of satisfactory air quality with the intent of revising the standards as new information and better technology are developed.

(1.0) WAC 18-38-020 DEFINITIONS

(1) Acid Plant - The facility in which the cooking liquor is either manufactured or fortified when not associated with a recovery system.

(2) Air Quality Standard - An established concentration, exposure time, and frequency of occurrence of a contaminant or multiple contaminants in the ambient air which shall not be exceeded.

(3) Air Contaminant - Dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substance, or any combination thereof.

(4) Ambient Air - The surrounding outside air.

(5) Average Daily Emission - Total weight of an air contaminant emitted in each month, divided by the number of days of production that month.

(6) Average Daily Production - Air dried tons of unbleached pulp produced in a month, divided by the number of days of production in that month.

(7) Blow System - Includes the storage chest, tank or pit to which the digester pulp is discharged following the cook.

(8) Continual Monitoring - Sampling and analysis in a continuous or timed sequence, using techniques which will adequately reflect actual emission levels, ambient air levels, or concentrations on a continuous basis.

(9) Department - The Department of Ecology.

(10) Director - Director of the Department of Ecology or his authorized representative.

(11) Emission - A release into the outdoor atmosphere of air contaminants.

(12) Emission Standard - A limitation on the release of a contaminant or multiple contaminants to the ambient air.

(13) Other Sources - Sources of sulfur oxide emissions including, but not limited to washers, washer filtrate tanks, digester dilution tanks, knotters, multiple effect evaporators, storage tanks, any operation connected with the handling of condensate liquids or storage of condensate liquids, and any vent or stack which may be a significant contributor of sulfur oxide gases other than those included in the emission standard limitations in WAC 18-38-030.

(14) ppm (parts per million) - Parts of a contaminant per million parts of gas volume.

(15) Primary Air Mass Station - A type of station designed to measure contamination in an air mass and representing a relatively broad area. The sampling site shall be representative of the general area concerned. The probe inlet shall be a minimum of fifteen feet and a maximum of one hundred fifty feet above ground level. Actual elevation should vary to prevent adverse exposure conditions caused by surrounding buildings and terrain. The probe inlet shall be placed approximately twenty feet above the supporting rooftop.

(16) Primary Ground Level Monitoring Station - Stations designed to provide information on contaminant concentrations near the ground and provide data valid for the immediate area only. The probe inlet shall be ten to fifteen feet above ground level with a desired optimum height of twelve feet. The probe inlet shall not be less than two feet from any building or wall. The sampling site shall be representative of the immediate area.

(17) Particulate Matter - A small discrete mass of solid or liquid matter, but not including uncombined water.

(18) Recovery System - The process by which all or part of the cooking chemicals may be recovered, and cooking liquor regenerated from spent cooking liquor, including evaporation, combustion, dissolving, fortification, storage facilities, and emission control equipment associated with the recovery cycle.

(19) Special Station - Any station that does not meet the criteria or purpose of the standard stations are defined as special stations.

(20) Sulfite Pulping Mill - A pulp mill producing cellulose pulp, using a cooking liquor consisting of sulfurous acid and/or a disulfite salt.

(21) Sulfur Oxides - Sulfur dioxide, sulfur trioxide and other sulfur oxides.

(22) Total Reduced Sulfur (TRS) - Hydrogen sulfide, mercaptans, dimethyl sulfide, dimethyl disulfide, and other organic sulfides present.

(4.0) WAC 18-38-030 EMISSION STANDARDS

(1) The total average daily emissions from a sulfite pulping mill, or a portion of a sulfite pulping mill which practices incineration of the spent sulfite liquor, shall not exceed 20 pounds of sulfur dioxide per ton of air dried, unbleached pulp produced.

(2) The total average daily emissions from a sulfite pulping mill, or a portion of a sulfite pulping mill that does not incinerate the spent sulfite liquor, shall not exceed four pounds of sulfur dioxide per ton of air dried, unbleached pulp produced.

(3) The blow system emissions shall not exceed 0.2 pounds of sulfur dioxide per minute, on a 15 minute average, per ton of air dried, unbleached pulp discharged from the digester.

(4) Emissions from the recovery system and acid plant, shall not exceed 800 ppm (dry) of sulfur dioxide for any hourly average.

(5) The total average daily emission of particulate matter from the recovery system, shall not exceed four pounds per ton of air dried, unbleached pulp produced.

(6) Mills of less than 150 tons of air dried, unbleached pulp per day, may be exempted from the limitations of subsection (1), (2), and (3) above, provided:

(a) That the schedule of compliance required by WAC 18-38-050 demonstrates that a minimum of 50% collection efficiency for sulfur dioxide will be maintained and that compliance will be achieved within one year after the effective date of this regulation.

(b) That the schedule of compliance required by WAC 18-38-050 demonstrates that a minimum of 80% collection efficiency for sulfur dioxide will be maintained and compliance will be achieved no later than December 31, 1975.

(c) That the emission of sulfur dioxide shall not result in an ambient concentration greater than 0.8 ppm for any five minute average, and that other state ambient air standards shall not be exceeded, at a primary air mass station, a primary ground level monitoring station, or a special station.

(4.0) WAC 18-38-040 MORE RESTRICTIVE EMISSION STANDARDS

(1) Notwithstanding the specific emission limits set forth in this chapter, the Department of Ecology may, after notice and hearing, establish more restrictive emission limits and compliance schedules for mills located in recognized problem areas, for new mills, for mills expanding existing facilities, for mills installing substantial modifications of existing facilities which result in increased emissions, or for mills in areas where it is shown ambient air quality standards are exceeded.

(2) After the effective date of this regulation, any sulfite pulping mill constructed, enlarged, replaced, modified, or altered in any way that would create a new source of emission or increase emissions, shall meet the following provisions:

(a) Under no circumstance will any mill be allowed to operate with emission levels above those established by WAC 18-38-030.

(b) It is the intent of the Department to establish, for each mill covered by this section, a maximum operating standard for the recovery system, of 300 ppm of SO_2, dry, as an hourly average, and a total average daily particulate emission limitation of 2½ pounds per ton of air dried, unbleached pulp produced; or such other concentrations as could be achieved: 1) by utilization of best practicable technology; or 2) where factors, such as urban proximity, population density, mill location, topography, and meteorological conditions make the need for lesser allowable emissions appear desirable and necessary. The operating standard for each mill shall be set by the Department, prior to approval of construction.

(c) In keeping with the intent expressed in WAC 18-38-040 (2) (b), each mill shall, prior to construction, submit to the Department design information, including cost and operating information as requested by the Department, that would limit SO_2 emissions from new recovery systems to 200 ppm, dry, as an hourly average; and that would limit particulate emissions to 2 pounds per ton of air dried, unbleached pulp produced.

(d) If the Director has reason to believe that the emission from the source is a cause of public nuisance or a cause of violation of ambient air quality standards, the source shall, within 90 days from notification of such occurrence, achieve operation that will prevent further recurrence of the nuisance or violation.

(6.0) WAC 18-38-050 COMPLIANCE SCHEDULE

Each mill shall proceed promptly with a program to bring all sources into compliance with this regulation, but in no instance shall the compliance be achieved later than July 1, 1974 (except as provided in WAC 18-38-030 (6) (b). A proposed schedule of compliance with this regulation shall be submitted within one hundred and twenty days following the effective date of this regulation, or as otherwise determined by the Department. The proposed schedule shall include:

(1) A description of the program to determine the sulfur dioxide emissions from all sources.

(2) The dates when specific steps of the program will be completed, including, but not limited to:

  (a) Engineering study.

  (b) Purchase of equipment.

  (c) Erection of equipment.

  (d) Equipment placed in normal operation (full compliance with regulation).

(3) A description of each step in the program, including, but not limited to:

  (a) Engineering studies, including alternative control procedures to be considered and a comprehensive time schedule for their evaluation.

  (b) Performance characteristics and estimated efficiencies of control devices.

  (c) Justification for the time schedule requested.

  (d) Reduction in emissions resulting from each completed step.

(4) The Director shall issue a regulatory order setting forth the compliance schedule for each mill pursuant to Chapter 18-60 WAC, based upon a showing that the mill is proceeding with all due speed to meet all requirements of this regulation, and upon evidence that all existing air pollution abatement facilities will be efficiently and continuously maintained during the period of the compliance schedule.

(9.0)
(13.0)

WAC 18-38-060 MONITORING AND REPORTING

(1) Each mill shall submit, within sixty days of the date of adoption, a detailed sampling and testing program, and time schedule for approval by the Department.

(2) The monitoring equipment shall be capable of determining compliance with the emission limits established by these regulations, and shall be capable of continual sampling and recording of concentrations of sulfur dioxide contaminants from the recovery system.

(3) Each mill shall sample the recovery system, blow system, and acid plant for sulfur dioxide emissions on a regularly scheduled basis.

(4) Each mill shall sample the recovery furnace stacks for particulate on a regularly scheduled basis.

(5) Unless otherwise authorized, data for each calendar month shall be reported for each mill as follows:

(a) For the recovery system, acid plant, and other sources:

(i) Average daily emissions of sulfur dioxide, expressed as pounds of sulfur dioxide per ton of air dried, unbleached pulp produced, and pounds of sulfur dioxide per day.

(ii) Daily average concentrations of sulfur dioxide and, for all hours greater than 500 ppm, dry, the hourly concentrations and hour. All concentrations shall be expressed in ppm. dry. For mills covered by Section 040 hourly concentrations of SO_2 greater than 200 ppm, dry, shall be reported.

(iii) Average daily emissions of particulates in pounds per ton of air dried, unbleached pulp.

(b) For the blow system, the pounds of sulfur dioxide per minute on a 15 minute average per ton of air dried, unbleached pulp discharged from the digester.

(c) The average daily production of air dried, unbleached pulp, and the maximum daily production.

(d) Reports shall be submitted within 10 days after the end of each calendar month.

(6) For mills operating under the provisions of WAC 18-38-030 (6), an ambient monitoring program acceptable to the Department must be established, and the results submitted monthly.

(7) Each mill shall furnish, upon request of the Department, such other pertinent data as the Department may require to evaluate the mill's emission control program. Unless otherwise prescribed, each mill shall report immediately to the Department, abnormal mill operations which adversely affect the emission of air contaminants.

(8) All measurements shall be made in accordance with techniques approved by the Department. Interim procedures may be approved for use, prior to completion of the studies required by WAC 18-38-070.

(2.0) WAC 18-38-070 SPECIAL STUDIES

Special studies of the nature described below, and having prior approval of the Department, shall be conducted at each mill or through cooperation among mills. The proposed program and timetable shall be submitted to the Department within 90 days of adoption of this regulation.

(1) Develop and recommend satisfactory measuring technique for particulate emissions from recovery systems.

(2) Evaluate and report the emission and control methods of sulfur dioxide from other sources within the mill.

(3) Evaluate and report the emission of sulfur trioxide from recovery systems, and acid plants.

(4) Evaluate, as required by local conditions, emissions of TRS.

(5) Develop and recommend satisfactory continual monitoring techniques for sulfur dioxide emissions from recovery systems, and blow pit vents.

(6) Bleach plant emissions of chlorine, chlorine dioxide, and sulfur dioxide, shall be determined and reported to the Department within one year after the effective date of this regulation.

(7) Evaluate and report emissions of oxides of nitrogen, carbon monoxide, and hydrocarbons from all sources within the mill.

(8) Within 12 months of the effective date of this regulation, each sulfite pulping mill utilizing a recovery system, shall conduct an evaluation and report the results to the Department on the feasibility of reducing sulfur oxide emissions from recovery systems to 200 ppm, dry. This evaluation shall include the effect of additional absorption stages and may contain data on costs and effects such changes will have on mill operations and emissions.

(2.0) WAC 18-38-080 EXCEPTIONS

These regulations do not apply to open burning or power boiler operations conducted at sulfite pulp mills, unless such boilers are an integral part of the sulfite process or recovery system.

(2.0) WAC 18-38-090 NOTICE OF CONSTRUCTION AND SUBMISSION OF PLANS AND SPECIFICATIONS

(1) Prior to the construction, installation, or establishment of a sulfite pulping mill, a notice of construction shall be submitted to

the Department. Within thirty days of his receipt of such notice, the Director may require the submission of plans, specifications, and other information as he deems necessary, in order to determine whether the proposed construction, installation, or establishment will be in accordance with applicable regulations. If, within thirty days of the receipt of plans, specifications, or other information required pursuant to this regulation, the Director determines that the proposed construction, installation, or establishment will not be in accord with applicable regulations, he shall issue an order for the prevention of construction, installation, or establishment of the sulfite pulping mill. Failure to issue such an order within the time prescribed herein, shall be deemed a determination that the construction, installation, or establishment may proceed, provided that it is in accordance with the plans, specifications, and other information required to be submitted.

(2) Addition to, or enlargement or replacement of, a sulfite pulping mill or any major alteration therein, shall be construed as construction, installation or establishment.

CHAPTER 18-40 WAC

(50.1) SUSPENDED PARTICULATE REGULATION

AMENDMENTS

(2.0) WAC 18-40-010 PREAMBLE

In the interest of the people of the State of Washington, it is the objective of the Department of Ecology to obtain and maintain the cleanest air possible, consistent with the highest and best practicable control technology.

In areas where existing concentrations are lower than concentrations allowed by the standards enumerated below, degradation of the atmosphere should be minimized. The highest and best practicable control technology should be applied to all sources unless it is determined by the responsible air pollution control agency that application of lesser technology is justified. Air quality standards should not be construed to encourage degradation of existing air quality.

(1.0) WAC 18-40-020 DEFINITIONS

(1) Ambient Air - The surrounding outside air.

(2) Air Quality Objective - The concentration and exposure time of a contaminant or multiple contaminants in the ambient air below which, according to available knowledge, undesirable effects will not occur.

(3) Air Quality Standard - An established concentration, exposure time, and frequency of occurrence of a contaminant or multiple contaminants in the ambient air which shall not be exceeded.

(4) Primary Air Mass Station Suspended Particulate (PAMS-SP) - A type of station designed to measure contamination in an air mass, and representing a relatively broad area. The sampling site shall be representative of the general area concerned. The sampler shall be a minimum of fifteen feet and a maximum of one hundred fifty feet above ground level. Actual elevation will vary, depending upon surrounding buildings and terrain. The filter shall be placed a minimum of three feet above a supporting rooftop.

(5) Particle - A small discrete mass of solid or liquid matter. (For air pollution usage, sizes generally range from submicron to over two thousand microns).

(6) Suspended Particulates - Those airborne particulates, collected on eight inch by ten inch sheets of flash-fired glass fiber filter web of specified collection efficiency, using a high-volume air sampler or other particulate collection equipment equivalent to the high volume sampler and glass fiber filter.

(4.0) WAC 18-40-030 AIR QUALITY STANDARD

Suspended particulate in the ambient air shall not exceed the standards enumerated below at the conditions stated.

(1) The suspended particulate concentration measured at any primary air mass station shall not exceed:

(a) Sixty micrograms per cubic meter of air as an annual geometric mean.

(b) 150 micrograms per cubic meter of air - maximum 24-hour concentration not to be exceeded more than once per year.

(2) In recognition of natural dust loading in some areas of the State, the following exceptions shall apply to areas east of the Cascade Mountain Crest:

(a) If concentrations, measured at approved background locations, exceed thirty micrograms per cubic meter of air on individual sample days, the concentration of suspended particulate matter measured at any primary air mass station shall not exceed 120 micrograms per cubic meter of air plus background as a maximum 24-hour concentration not to be exceeded more than once per year.

(b) If concentrations, measured at approved background locations, exceed twenty micrograms per cubic meter of air as an annual geometric mean, the concentration of suspended particulate matter at any primary air mass station shall not exceed forty micrograms per cubic meter of air, plus background, as an annual geometric mean.

(3) Sampling shall be conducted on a schedule approved by, and on file with, the Department of Ecology. Only those samples taken in compliance with an approved schedule may be used to determine compliance with the air quality standards. A maximum of two makeup samples may be taken each month to meet the required sample frequency.

(2.0) WAC 18-40-040 AIR QUALITY OBJECTIVE

In recognition of the need for continuing improvement of the quality of the air resource, it is the intent of the Department of Ecology to work toward achievement of the following objective for suspended particulate: Concentrations measured at primary air mass stations shall not exceed thirty micrograms per cubic meter of air for more than fifty percent of the samples collected in any calendar year.

(9.0) WAC 18-40-050 METHOD OF MEASUREMENT

Sampling and analysis for suspended particulates shall be conducted according to methods approved by, and on file with, the Department of Ecology. Methods equivalent in sensitivity, accuracy, reproducibility, and selectivity to the approved standard method may be used after approval by the Department of Ecology.

(13.0) WAC 18-40-060 REPORTING OF DATA

(1) Local and regional agencies. Local and regional air pollution agencies sampling for suspended particulates shall notify the State Department of Ecology of all results exceeding the adopted standards. Notification shall be made quarterly. A semi-annual summary of all samples exceeding the standards shall be submitted by February 1 for the six-month period ending December 31 and by August 1 for the six-month period ending June 30. Quarterly data shall include:

(a) Location of sampler.

(b) Time span involved (day or year).

(c) Standard exceeded (daily, annual).

(d) Concentrations recorded. All samples greater than 150 mg/m^3 shall be reported.

(e) The geometric mean if the annual standard is exceeded (first quarter report only for previous calendar year).

(2) If particulate values in excess of the standards are detected by the Department of Ecology, the appropriate local agency shall be notified quarterly after validation of the results. This notification shall include:

(a) Standard exceeded.

(b) Location.

(c) Time or time span involved.

(d) Concentrations recorded.

CHAPTER 18-44 WAC

(4.1) ## PARTICLE FALLOUT STANDARDS

(2.0) WAC 18-44-010 PREAMBLE

In the interest of the people of the State of Washington, it is the objective of the State Air Pollution Control Board to obtain and maintain the cleanest air possible, consistent with the highest and best practicable control technology.

In areas where existing concentrations are lower than concentrations allowed by the standards enumerated below, degradation of the atmosphere should be minimized. The highest and best practicable control technology should be applied to all sources emitting particulate matter to the atmosphere unless it is determined by the responsible air pollution control agency that application of lesser technology is justified. Air Quality standards should not be construed to encourage degradation of existing air quality.

(1.0) WAC 18-44-020 DEFINITIONS

(1) Air Quality Objective - The concentration and exposure time of a contaminant or multiple contaminants in the ambient air below which, according to available knowledge, undesirable effects will not occur.

(2) Air Quality Standard - An established concentration, exposure time and frequency of occurrence of a contaminant or multiple contaminants in the ambient air which shall not be exceeded.

(3) Particle - A small discrete mass of solid or liquid matter. (For air pollution usage, sizes generally range from submicron to over two thousand microns).

(4) Primary Air Mass Station (PAMS-PFO) - A type of station designed to measure contamination in an air mass and representing a relatively broad area. The sampling size shall be representative of the general area concerned and not be contaminated by any special source. The jar opening shall be a minimum of twenty feet and a maximum of one hundred fifty feet above ground level. Actual elevation should vary to prevent adverse exposure conditions caused by surrounding buildings and terrain. When mounting on rooftops, the minimum height of jar opening shall be at least five feet above the rooftop.

(5) Primary Ground Level Monitoring Station (PGLMS-PFO) - Stations designed to provide information on contaminant concentrations near

the ground and provide data valid for the immediate area only. The sampler shall be ten to twenty feet above ground level with a desired optimum height of twelve feet. The jar opening shall be at least five feet above the rooftop. The sampling site shall be representative of the immediate area and not be contaminated by any unique source.

(6) Special Stations - Any station that does not meet the criteria or purpose of the standard stations are defined as special stations.

(4.0) WAC 18-44-030 AIR QUALITY STANDARD

Particle fallout shall not exceed the standards enumerated below at the conditions stated.

(1) The particle fallout rate measured at a primary air mass station, ground level monitoring station or special station shall not exceed:

(a) Ten grams per square meter per month in an industrial area, or

(b) Five grams per square meter per month in an industrial area if visual observations show a presence of wood waste and the volatile fraction of the sample exceeds seventy per cent.

(c) Five grams per square meter per month in residential and commercial areas.

(d) Three and one-half grams per square meter per month in residential and commercial areas if visual observations show the presence of wood waste and the volatile fraction of the sample exceeds seventy per cent.

(2) In recognition of natural dust loading in some areas of the state, the following exceptions shall apply to areas east of the Cascade Mountain Crest. If concentrations measured at approved background locations exceed three and one-half grams per square meter per month, the particle fallout rate measured at a primary air mass station, ground level monitoring station or special station, shall not exceed:

(a) Six and one-half grams per square meter per month plus background in an industrial area, or

(b) One and one-half grams per square meter per month plus background in residential and commercial areas.

The provisions of WAC 18-44-030 (1) (b) and (1) (d) pertaining to wood waste shall continue to apply regardless of background.

(2.0) WAC 18-44-040 AIR QUALITY OBJECTIVE

In recognition of the need for continuing improvement of the quality of the air resource, it is the intent of the state Air Pollution Control Board to work toward the achievement of the following objective for particle fallout: The particle fallout rate shall not exceed two and a half grams per square meter per month.

(9.0) WAC 18-44-050 METHOD OF MEASUREMENT AND ANALYSIS

Sampling and analysis for particle fallout shall be conducted according to methods approved by and on file with the State Air Pollution Control Board (Appendix 1). Methods equivalent in sensitivity, accuracy, reproducibility and selectivity to the approved standard method may be used after approval by the State Air Pollution Control Board.

(13.0) WAC 18-44-060 REPORTING OF DATA

(1) Local and regional agencies. Local and regional air pollution agencies sampling for particle fallout shall notify the State Office of Air Quality Control of all results exceeding the adopted standard. Monthly summaries on forms furnished by the state shall be submitted annually by April 1st and shall provide the following information:

  (a) Location of sampler.

  (b) Type of station (air mass - PAMS - PFO), ground level (PGLMS - PFO) or special station.

  (c) Time span involved.

  (d) Standard exceeded.

  (e) Concentrations recorded.

(2) If a violation of the standards is detected by the State Office of Air Quality Control, the appropriate local agency shall be notified after validation of the results. This notification shall include:

  (a) Standard exceeded.

  (b) Location.

  (c) Time span involved.

(d) Concentrations recorded.

(e) Request for reply indicating action planned or taken to prevent recurrence.

Control action shall be implemented by the state agency, if appropriate.

CHAPTER 18-44 WAC

(50.1) PARTICLE FALLOUT REGULATION

AMENDMENTS

(2.0) WAC 18-44-010 PREAMBLE

In the interest of the people of the State of Washington, it is the objective of the Department of Ecology to obtain and maintain the cleanest air possible, consistent with the highest and best practicable control technology.

In areas where existing concentrations are lower than concentrations allowed by the standards enumerated below, degradation of the atmosphere should be minimized. The highest and best practicable control technology should be applied to all sources unless it is determined by the responsible air pollution control agency that application of lesser technology is justified. Air quality standards should not be construed to encourage degradation of existing air quality.

(1.0) WAC 18-44-020 DEFINITIONS

(1) Air Quality Objective - The concentration and exposure time of a contaminant or multiple contaminants in the ambient air below which, according to available knowledge, undesirable effects will not occur.

(2) Air Quality Standard - An established concentration, exposure time, and frequency of occurrence of a contaminant or multiple contaminants in the ambient air which shall not be exceeded.

(3) Particle - A small discrete mass of solid or liquid matter. (For air pollution usage, sizes generally range from submicron to over two thousand microns).

(4) Primary Air Mass Station (PAMS-PFO) - A type of station designed to measure contamination in an air mass and representing a relatively broad area. The sampling site shall be representative of the general area concerned. The jar opening shall be a minimum of fifteen feet and a maximum of one hundred fifty feet above ground level. Actual elevation should vary to prevent adverse exposure conditions caused by surrounding buildings and terrain. When mounting on rooftops, the minimum height of jar opening shall be at least five feet above the rooftop.

(5) Primary Ground Level Monitoring Station (PGLMS-PFO) - Stations designed to provide information on contaminant concentrations near

the ground and provide data valid for the immediate area only. The sampler shall be six to fifteen feet above ground level with a desired optimum height of ten feet. The jar opening shall be at least five feet above the rooftop. The sampling site shall be representative of the immediate area.

(6) Special Stations - Any station that does not meet the criteria or purpose of the standard stations is defined as a special station.

(2.0) WAC 18-44-040 AIR QUALITY OBJECTIVE

In recognition of the need for continuing improvement of the quality of the air resource, it is the intent of the Department of Ecology to work toward the achievement of the following objective for particle fallout: The particle fallout rate shall not exceed two and a half grams per square meter per month.

(9.0) WAC 18-44-050 METHOD OF MEASUREMENT AND ANALYSIS

Sampling and analysis for particle fallout shall be conducted according to methods approved by, and on file with, the Department of Ecology. Methods equivalent in sensitivity, accuracy, reproducibility and selectivity to the approved standard method may be used after approval by the Department of Ecology.

(13.0) WAC 18-44-060 REPORTING OF DATA

(1) Local and regional agencies. Local and regional air pollution agencies sampling for particle fallout shall notify the State Department of Ecology of all results exceeding the adopted standard. Monthly summaries shall be submitted annually by March 1st and shall provide the following information:

(a) Location of sampler.

(b) Type of station (air mass - PAMS-PFO), ground level (PGLMS-PFO) or special station.

(c) Time span involved.

(d) Standard exceeded.

(e) Concentrations recorded.

(2) If a violation of the standards is detected by the State Department of Ecology, the appropriate local agency shall be notified after

validation of the results. This notification shall include:

(a) Standard exceeded.

(b) Location.

(c) Time span involved.

(d) Concentrations recorded.

CHAPTER 18-46 WAC

PHOTOCHEMICAL OXIDANT

(50.3) (50.4) HYDROCARBONS

NITROGEN DIOXIDE

(2.0) WAC 18-46-010 PREAMBLE

In the interest of the people of the State of Washington, it is the objective of the Department of Ecology to obtain and maintain the cleanest air possible, consistent with the highest and best practicable control technology.

In areas where existing concentrations are lower than concentrations allowed by the standards enumerated below, degradation of the atmosphere should be minimized. The highest and best practicable control technology should be applied to all sources unless it is determined by the responsible air pollution control agency that application of lesser technology is justified. Air quality standards should not be construed to encourage degradation of existing air quality.

(1.0) WAC 18-46-020 DEFINITIONS

As used in this chapter:

(1) "Ambient air" means the surrounding outside air.

(2) "Air quality standard" means an established concentration, exposure time, and frequency of occurrence of a contaminant or multiple contaminants in the ambient air which shall not be exceeded.

(3) "Primary air mass station (PAMS)" means a station designed to measure contamination in an air mass and representing a relative broad area. The sampling site shall be representative of the general area concerned. The probe inlet shall be a minimum of fifteen feet and a maximum of one hundred and fifty feet above ground level. Actual elevation should vary to prevent adverse exposure conditions caused by surrounding buildings and terrain. The probe inlet shall be placed ten to twenty feet above the rooftop and meteorological measurements, if taken, shall be made at approximately the same level as the probe inlet.

(4) "Primary ground level monitoring station (PGLMS)" means a station designed to provide information on contaminant concentrations near the ground and provide data valid for the immediate area only. The

probe inlet shall be six to fifteen feet above ground level with a desired optimum height of ten feet. The probe inlet shall not be less than two feet from any building or wall. The sampling site shall be representative of the immediate area.

(4.0) WAC 18-46-030 AIR QUALITY STANDARDS

Air quality standards are established as follows:

(1) Photochemical Oxidant - Photochemical oxidant in the ambient air measured at a PAMS during the hours and months specified shall not exceed an average concentration of 160 micrograms per cubic meter (0.08 parts per million) for any one hour more than once during the entire period: 10 a.m. through 4 p.m. PST from April 1 through October 31.

(2) Hydrocarbons - Nonmethane gas phase hydrocarbons in the ambient air measured at a PAMS during the hours and months specified shall not exceed an average concentration of 160 micrograms per cubic meter (0.24 parts per million) for any 3 consecutive hours more than once during the entire period: 6 a.m. to 9 a.m. from April 1 through October 31.

(3) Nitrogen Dioxide - The annual arithmetic mean of nitrogen dioxide in the ambient air measured at a PAMS or a PGLMS shall not exceed 100 micrograms per cubic meter (0.05 parts per million).

(9.0) WAC 18-46-040 MEASUREMENT

For determining compliance with this regulation, measurements will be made by methods approved by and on file with the Department of Ecology.

(13.0) WAC 18-46-050 REPORTING OF DATA

Local and regional air pollution control agencies shall notify the Department of Ecology of all occurrences of photochemical oxidant, hydrocarbons or nitrogen dioxide concentrations which exceed the applicable standards. Notification shall be made quarterly. Quarterly data shall include:

(1) Location of sampler.

(2) Time span involved.

(3) Concentrations recorded.

(4) Type of sampler used.

(5) Other relevant information requested by the Department of Ecology.

CHAPTER 18-48 WAC

(4.7)
FLUORIDE STANDARDS

(2.0) WAC 18-48-080 PREAMBLE

In the interest of the people of the State of Washington, it is the objective of the State Department of Ecology to obtain and maintain the cleanest air possible, consistent with the highest and best practicable control technology.

In areas where existing concentrations are lower than concentrations allowed by the standards enumerated below, degradation of the atmosphere should be minimized. The highest and best practicable control technology should be applied to all sources emitting fluorides to the atmosphere unless it is determined by the responsible air pollution control agency that application of lesser technology is justified. Air quality standards should not be construed to encourage degradation of existing air quality.

(2.0) WAC 18-48-090 POLICY LIMITATIONS

The standards set forth within these regulations are intended to protect livestock and vegetation. All sampling to measure compliance with said standards will be conducted in areas and during time periods appropriate to protect vegetation and livestock.

(1.0) WAC 18-48-100 DEFINITIONS

(1) Forage - Grasses, pasture and other vegetation that is consumed or is intended to be consumed by livestock.

(2) Cured Forage - Hay, straw, ensilage that is consumed or is intended to be consumed by livestock.

(3) Ambient Air - The surrounding outside air.

(4) Ambient Air Quality Standard - An established concentration, exposure time and frequency of occurrence of a contaminant or multiple contaminants in the ambient air which shall not be exceeded.

(5) Standard conditions - Sixty (60) degrees Fahrenheit and fourteen and seven-tenths (14.7) pounds per square inch absolute.

(2.0) WAC 18-48-110 INTENT OF REGULATIONS

Two standards are established by these rules. One shall be for the fluoride content of forage and the other for gaseous fluorides in the ambient air. No person shall cause, let, permit, or allow any emission of elemental or chemically combined fluorine, which either alone or in combination with other fluorides that may be present in forage or the ambient air, to be in excess of the standards in WAC 18-48-120 and 130.

(4.7) WAC 18-48-120 FORAGE STANDARDS

(1) The fluoride content of forage calculated by dry weight shall not exceed:

   (a) Forty parts per million fluoride ion (40 ppm F^-) average for any twelve (12) consecutive months.

   (b) Sixty parts per million fluoride ion (60 ppm F^-) each month for more than two (2) consecutive months.

   (c) Eighty parts per million fluoride ion (80 ppm F^-) more than once in any two (2) consecutive months.

(2) In areas where cattle are not grazed continually, but are fed cured forage part of the year, the fluoride content of the cured forage shall be used as the forage fluoride content for as many months as it is fed to establish the yearly average.

(3) Cured forage grown for sale as livestock feed shall not exceed forty parts per million fluoride ion (40 ppm F^-) by dry weight after curing or preparing for sale.

(4.0) WAC 18-48-130 AMBIENT AIR STANDARDS

Gaseous fluorides in the ambient air calculated as HF at standard conditions shall not exceed:

(1) Three and seven-tenths micrograms per cubic meter ($3.7\ \mu g/m^3$) average for any twelve (12) consecutive hours;

(2) Two and nine-tenths micrograms per cubic meter ($2.9\ \mu g/m^3$) average for any twenty-four (24) consecutive hours;

(3) One and seven-tenths micrograms per cubic meter ($1.7\ \mu g/m^3$) average for any seven (7) consecutive days;

(4) Eighty-four one hundredths micrograms per cubic meter ($0.84\ \mu g/m^3$) average for any thirty (30) consecutive days;

(5) Five-tenths micrograms per cubic meter (0.5 $\mu g/m^3$) average for the period March 1 through October 31 of any year.

(2.0) WAC 18-48-140 COMPLIANCE WITH STANDARDS

When requested by the Director of the State Department of Ecology, persons emitting fluorides to the atmosphere shall be required to establish their compliance with WAC 18-48-120 and 130 by conducting a monitoring program approved in writing by the Director of the Department of Ecology and submitting all data obtained to the Director.

(9.0) WAC 18-48-150 SAMPLING AND ANALYSIS

(1) Forage samples shall be taken once each calendar month at intervals of twenty five (25) to thirty five (35) days to determine compliance with WAC 18-48-120.

(2) Gaseous fluoride shall be sampled according to the approved monitoring program, using the sodium bicarbonate tube method.

(3) Samples shall be analyzed by the Technicon Auto Analyzer or the Modified Willard-Winter Distillation Method. The Orion probe may be used to analyze the gaseous ambient air sample when the fluoride is in soluble form.

(4) Sampling and analysis shall be in accordance with techniques approved by, and on file with the Department of Ecology. Other sampling and methods of analysis which are equivalent in accuracy, sensitivity, reproducibility and applicability under similar conditions may be used after approval by the Department.

WAC 18-48-010 through 18-48-070 are each hereby repealed.

CHAPTER 18-52 WAC

(51.17) PRIMARY ALUMINUM PLANTS

(2.0) WAC 18-52-010 STATEMENT OF PURPOSE

These rules are enacted under the provisions of the 1969 amendments to the Washington Clean Air Act (RCW 70.94.395) to:

(1) Assume state jurisdiction over emissions from primary aluminum reduction plants in order to provide for the systematic reduction and control of air pollution in the primary aluminum reduction industry; and

(2) Establish standards deemed to be technically feasible and reasonably attainable, and revise such standards as new information and better technology are developed and become available.

(2.0) WAC 18-52-015 OBJECTIVES

In furtherance of the public policy of the state as set forth in chapter 70-94 RCW, it is hereby declared to be the policy and objective of the state board in adopting the following regulations to:

(1) Require, in accordance with a specific program and timetable for each operating plant, the highest and best practicable collection, treatment, and control of emissions from cells and other sources in primary aluminum reduction plants through the utilization of technically feasible equipment, devices and procedures.

(2) Require effective monitoring and reporting of emissions, ambient air levels of fluorides, fluoride content of forage and other pertinent data. The state board will use these data, in conjunction with observation of conditions in the surrounding areas, to develop and revise emission and ambient air standards and to determine compliance therewith.

(3) Encourage and assist the primary aluminum reduction industry to conduct a research and technological development program designed to progressively reduce primary aluminum reduction plant emissions, in accordance with a definite program, including specified objectives and time schedules.

(1.0) WAC 18-52-020 DEFINITIONS

(1) All Sources - means sources including, but not limited to, the

reduction process, alumina plant, anode plant, anode baking plant, cast house and collection, treatment and recovery systems.

(2) Ambient Air - means the surrounding outside air.

(3) Anode Baking Plant - means the heating and sintering of pressed anode blocks in oven-like devices, including the loading and unloading of the oven-like devices.

(4) Anode Plant - means all operations directly associated with the preparation of anode carbon except the anode baking operation.

(5) Cured Forage - means hay, straw, ensilage that is consumed or is intended to be consumed by livestock.

(6) Emission - means a release into the outdoor atmosphere of air contaminants.

(7) Emission Standard - means the limitation on the release of a contaminant or multiple contaminants into the ambient air.

(8) Fluorides - means matter containing fluoride ion.

(9) Forage - means grasses, pasture and other vegetation that is consumed or is intended to be consumed by livestock.

(10) Particulate Matter - means a small, discrete mass of solid or liquid matter, but not including uncombined water.

(11) Primary Aluminum Plant - means those plants which will or do operate for the purpose of or related to producing aluminum metal from aluminum oxide (alumina).

(12) Pot Line Primary Emission Control Systems - means the system which collects and removes contaminants prior to the emission point. If there is more than one such system, the primary system is that system which is most directly related to the aluminum reduction cell.

(13) Regularly Scheduled Monitoring - means sampling and analyses in compliance with a program and schedule approved pursuant to WAC 18-52-050.

(14) Standard Dry Cubic Foot of Gas - means that amount of the gas which would occupy a cube having dimensions of one foot on each side, if the gas were free of water vapor at a pressure of 14.7 P.S.I.A. and a temperature of 60°F.

(15) State Board (SAPCB) - means Washington State air pollution control board.

(4.0) WAC 18-52-030 EMISSION STANDARDS

(1) The emission of gaseous fluorides and particulate fluorides from all sources within a primary aluminum plant shall be restricted so that the ambient air and forage standards for fluorides are not exceeded outside the property controlled by the aluminum plant owner or operator (see chapter 18-48 WAC).

(2) The total emission of particulate matter to the atmosphere from the reduction process (pot-lines) shall be reduced to the lowest level consistent with the highest and best practicable technology available to the primary aluminum industry, but in no case shall the emission of solid particulate exceed fifteen pounds per ton of aluminum produced on a daily basis.

(3) Visible emissions from all sources shall not have a density or equivalent opacity such as to obscure an observer's view, for more than three minutes in any hour, to a degree greater than does smoke designated as No. One or twenty per cent density on the Ringelmann Chart as published by the United States Bureau of Mines. This standard shall not apply when the presence of uncombined water is the only reason for failure of an emission to meet this requirement.

(4.0) WAC 18-52-040 REVISION OF EMISSION STANDARDS

(1) A public hearing shall be called within ninety days after submission of the results of the special studies provided for under WAC 18-52-080 herein to evaluate the special studies, current technology and adequacy of these regulations, and to make revisions to the regulations, as necessary.

(2) The state board may, after public hearing, establish more restrictive emission limits for new primary aluminum plants or for plants that expand existing facilities. Data documenting projected emissions and changes in or effects upon air quality that would result from the construction or expansion must be submitted to the state board, together with plans and specifications, in accordance with WAC 18-52-070 (3).

(6.0) WAC 18-52-050 COMPLIANCE

Compliance shall be in accordance with the procedures set forth in chapter 18-60 WAC, but, in no case, shall full compliance be later than July 1, 1972 for WAC 18-52-030 (1), and January 1, 1975 for WAC 18-52-030 (2) and (3).

(9.0) WAC 18-52-060 MONITORING

(1) Each primary aluminum plant shall submit, within sixty days after the effective date of this regulation, a detailed monitoring program. The proposed program shall be subject to revision and approval by the state board. The program shall include regularly scheduled monitoring for emissions of gaseous and particulate fluorides and total particulates. A schedule for measurement of fluoride levels in forage and ambient air shall be submitted.

(2) Necessary sampling and analysis equipment shall be ordered or otherwise provided for within thirty days after the monitoring program has been approved in writing by the state board. The equipment shall be placed in effective operation in accordance with the approved program within ninety days after delivery.

(13.0) WAC 18-52-070 REPORTING

(1) Unless otherwise authorized in writing by the state board, data shall be reported by each primary aluminum plant within thirty days of the end of each calendar month in the specified seasons for each source and station included in the approved monitoring program as follows:

(a) Ambient Air : Twelve-hour concentrations of gaseous fluoride in the ambient air expressed in parts per billion of hydrogen fluoride on a volume basis.

(b) Forage: Concentrations of fluoride in forage expressed in parts per million of fluoride on a dried weight basis.

(c) Particulate Emissions: Results of all emission sampling conducted during the month for particulates, expressed in grains per standard dry cubic foot, in pounds per day, and in pounds per ton of aluminum produced. The method of calculating pounds per ton shall be as specified in the approved monitoring programs. Particulate data shall be reported as total particulates and percentage of fluoride ion contained therein.

Compliance with WAC 18-52-030 (2) shall be determined by measurements of emissions from the pot line primary control system plus measurements of emissions from the roof monitor and other points of emission to the atmosphere. Calculated emissions to the pot rooms from the reduction cells based on hooding efficiency determined for gaseous fluoride may be substituted for roof monitor emission measurements in determining compliance with the regulation.

(d) Gaseous Emissions: Results of all sampling conducted during the month for gaseous fluorides. All results shall be expressed as hydrogen fluoride in parts per million on a volume basis and pounds per day of hydrogen fluoride.

(e) Other emission and ambient air data as specified in the approved monitoring program.

(f) Changes in collection efficiency of any portion of the collection or control system that resulted from equipment or process changes.

(2) Each primary aluminum plant shall furnish, upon request of the state board, such other data as the state board may require to evaluate the plant's emission control program. Each primary aluminum plant shall immediately report abnormal plant operations which result in increased emissions of air contaminants.

(3) Prior to construction, installation or establishment of a primary aluminum plant, a notice of construction shall be submitted to the state board. Within thirty days of its receipt of such notice, the state board may require the submission of plans, specifications and other information as it deems necessary, in order to determine whether the proposed construction, installation or establishment shall be in accordance with applicable regulations. If, within thirty days of the receipt of plans, specifications or other information required pursuant to this regulation, the state board determines that the proposed construction, installation or establishment will not be in accordance with applicable regulations, it shall issue an order for the prevention of construction installation or establishment of the primary aluminum plant. Failure to issue such an order within the time prescribed herein shall be deemed a determination that the construction, installation or establishment may proceed, provided that it is in accordance with the plans, specifications and other information required to be submitted.

Addition to, or enlargement or replacement of, a primary aluminum plant or any major alteration therein shall be construed as construction, installation or establishment.

(2.0) WAC 18-52-080 SPECIAL STUDIES

(1) Special studies, covering the areas in subsections (a), (b) and (c) of this section shall be conducted at each primary aluminum plant.

(a) Emissions of particulates from all sources within the plant, including size distribution and physical and chemical characteristics where feasible, and a separation of fluoride and nonfluoride particulate.

(b) Plume opacity from all sources within the plant, including its relationship to grain loading, particulate characteristics, particle emissions in pounds per ton of production and stack characteristics.

(c) Emissions of sulfur dioxide, hydrocarbons, carbon monoxide, chlorine and chlorides, oxides of nitrogen, ozone, water vapor, and fluorides from all sources.

(2) Each primary aluminum plant shall submit a program for conducting the aforesaid special studies to the state board for approval within sixty days after the effective date of this regulation.

(3) The results of the special studies shall be submitted to the state board not later than eighteen months after approval of the special studies program.

(4.2)

CHAPTER 18-56 WAC

SULFUR OXIDE STANDARDS

AMENDMENTS

(2.0) WAC 18-56-010 PREAMBLE

In the interest of the people of the State of Washington, it is the objective of the State Department of Ecology to obtain and maintain the cleanest air possible, consistent with the highest and best practicable control technology.

In areas where existing concentrations of sulfur oxides are lower than concentrations allowed by the standards enumerated below, degradation of the atmosphere should be minimized. The highest and best practicable control technology should be applied to all sources, unless it is determined by the responsible air pollution control agency that application of lesser technology is justified. Air quality standards should not be construed to encourage degradation of existing air quality.

(1.0) WAC 18-56-020 DEFINITIONS

(1) Air Quality Objective - The concentration and exposure time of a contaminant or multiple contaminants in the ambient air below which, according to available knowledge, undesirable effects will not occur.

(2) Air Quality Standard - An established concentration, exposure time and frequency of occurrence of a contaminant or multiple contaminants in the ambient air which shall not be exceeded.

(3) Primary Air Mass Station (PAMS-SO_2) - A type of station designed to measure contamination in an air mass and representing a relatively broad area. The sampling site shall be representative of the general area concerned. The probe inlet shall be a minimum of fifteen feet and a maximum of one hundred fifty feet above ground level. Actual elevation should vary to prevent adverse exposure conditions caused by surrounding buildings and terrain. The probe inlet shall be placed ten to twenty feet above a supporting rooftop.

(4) Primary Ground Level Monitoring Station (PGLMS-SO_2) - Stations designed to provide information on contaminant concentrations near the ground and provide data valid for the immediate area only. The probe inlet shall be six to fifteen feet above ground level with an optimum height of ten feet. The probe inlet shall not be less than two feet from any building or wall. The sampling site shall be representative of the immediate area.

(5) Special Stations ($SS-SO_2$) - Any station that does not meet the criteria or purpose of the standard stations are defined as special stations.

(4.0) WAC 18-56-030 AIR QUALITY STANDARDS

Sulfur oxide in the ambient air, measured as sulfur dioxide at a primary air mass station, a primary ground level monitoring station, or a special station, shall not exceed the following concentrations averaged over the specified time periods:

(1) Four-tenths parts per million by volume average for any one hour not to be exceeded more than once per year.

(2) Twenty-five one-hundredths parts per million by volume average for any one hour not to be exceeded more than two times in any consecutive seven days.

(3) One-tenth parts per million by volume average for any one day (twenty-four hours), not to be exceeded more than once per year.

(4) Two one-hundredths parts per million by volume average for any one year (annual arithmetic mean).

(2.0) WAC 18-56-040 AIR QUALITY OBJECTIVE

In recognition of the need for continuing improvement of the quality of the air resource, it is the intent of the Department of Ecology to work toward the achievemnet of the following objective for sulfur oxides: The sulfur oxide concentration measured as sulfur dioxide at a primary air mass station, primary ground level monitoring station, or special station, shall not exceed 0.3 parts per million average for five minutes.

(9.0) WAC 18-56-050 METHOD OF MEASUREMENT

For determining compliance with this regulation, sulfur oxides shall be measured as sulfur dioxide by acidified peroxide reagent conductivity coulometric or colorimetric techniques approved by, and on file with, the Department of Ecology. Other continuous and manual methods equivalent in sensitivity, accuracy, reproducibility, and selectivity to the approved methods may be used after approval by the Department of Ecology.

(13.0) WAC 18-56-060 DATA REPORTING

Local and regional air pollution control agencies sampling for sulfur oxides shall notify the Department of Ecology of all violations of this regulation. The notification shall be submitted quarterly. Summaries shall provide the following information:

(1) Location of sampler.

(2) Type of station - air mass, ground level, or special station.

(3) Time span involved (including specific hours, days, and year).

(4) Actual concentrations recorded that exceeded the standard.

(5) The Department of Ecology shall notify the regional or local agencies of results of samples exceeding the standards within the agency jurisdiction on a quarterly basis. This notification shall include:

  (1) Location.

  (2) Time span.

  (3) Standard exceeded.

  (4) Concentrations recorded.

CHAPTER 18-60 WAC

(50.0) ESTABLISHING PROCEDURES FOR IMPLEMENTING REGULATIONS APPLICABLE TO EMISSIONS FROM PARTICULAR TYPES AND CLASSES OF AIR CONTAMINANT SOURCES

REGULATORY ORDERS CONTAINING COMPLIANCE SCHEDULES

(18-60-101; 18-60-020; 18-60-030; 18-60-040; 18-60-050)

(2.0) WAC 18-60-010 POLICY AND PURPOSE

(1) It is the policy of the department of ecology under the authority vested in it by chapter 43.21A RCW to provide for the systematic and progressive reduction and control of air pollution from air contaminant sources which have been brought under state jurisdiction pursuant to RCW 70.94.395. RCW 70.94.395 provides for the adoption and enforcement of rules and regulations to control and/or prevent the emission of air contaminants from a particular type or class of air contaminant source when it is determined that such source should be regulated on a statewide basis in the public interest and for the protection of the welfare of the citizens of the state.

(2) It is the purpose of these rules to establish procedures for the implementation of regulations and rules generally applicable to the control and/or prevention of the emission of air contaminants from a particular type or class of air contaminant source, adopted pursuant to RCW 70.94.395.

(1.0) WAC 18-60-020 DEFINITIONS

(1) "Air contaminant" means dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substance, or any combination thereof.

(2) "Compliance schedule" means a listing of actions required at a stationary air contaminant source to bring such source into compliance with emission standards established by regulation or rule for its type or class of air contaminant source, and a listing of deadlines for the completion of such actions.

(3) "Department" means department of ecology.

(4) "Director" means director of the department of ecology.

(5) "Emission" means a release into the outdoor atmosphere of air contaminants.

(6) "Emission standard" means a limitation on the release of an air contaminant or multiple contaminants into the outdoor atmosphere.

(7) "Regulatory order" means a written directive issued by the director or his designee addressed to the owner(s) or person(s) responsible for the operation of a stationary air contaminant source, ordering such addressee(s) to cause action to be taken in conformity with a compliance schedule included in the order and to require such progress reports or other conditions as may be required to effectuate compliance with applicable regulations or rules.

(8) "Stationary air contaminant source" means an individual mill, plant or other stationary installation from which emissions originate and which is within a particular type or class of air contaminant source identified and covered by general rules and regulations.

(2.0) WAC 18-60-030 PROCEDURE

Whenever any rule or regulation generally applicable to the control and/or prevention of the emission of air contaminants from a particular type or class of air contaminant source shall have been duly adopted by the department:

(1) The owner(s) or person(s) responsible for the operation of each stationary air contaminant source within the type or class regulated, or their authorized representative(s), shall, within the time specified in the general regulation, submit to the department a proposed compliance schedule for such source. PROVIDED that this subsection shall not apply to stationary air contaminant sources with compliance schedules in effect immediately prior to the effective date of this chapter and that such schedules shall, upon such effective date, immediately be re-established by regulatory order.

(2) All persons who have made timely request of the department for a copy of a proposed compliance schedule shall be provided such copy by the department and given an opportunity to submit views thereon to the department prior to the issuance of a regulatory order in regard to such proposal.

(3) After reviewing a proposed compliance schedule and such views thereon as are submitted, the director or his designee shall issue a regulatory order establishing: a compliance schedule and progress reporting requirements for the stationary air contaminant source and such other conditions as may be necessary.

(4) Amendments or changes in a compliance schedule or other conditions set forth in a regulatory order may be made through an amended regulatory order following written request by the owner(s) or person(s) responsible for the operation of the stationary air contaminant source when a finding is made by the director or his designee that such amendment or change is justified on the basis of technological requirements, equipment delivery time, construction time requirements or other sufficient cause and is not contrary to the public interest. Requests for such amendments must be received by the department at least thirty days prior to any date sought to be changed except in cases involving emergency conditions beyond the control of the requestor(s).

(5) All persons who have made timely request of the department for a copy of a request for an amendment or change in a compliance schedule which asks for the alteration of any date in such schedule for full compliance shall be provided such copy by the department and given an opportunity to submit views thereon to the department prior to the issuance of an amended regulatory order revising such schedule.

(6) An oral hearing must be granted prior to the issuance of a regulatory order or amended regulatory order hereunder if requested by twenty-five persons or by an association having not less than twenty-five members.

(15.0) WAC 18-60-040 PENALTY

Any person who violates a regulatory order issued pursuant hereto shall be subject to the sanctions provided in chapter 70.94 RCW.

(14.0) WAC 18-60-050 PUBLIC INFORMATION

Copies of regulatory orders and amendments thereto which are issued hereunder shall be filed at the department and available for inspection on request.

(6.0) WAC 18-36-040 COMPLIANCE

Compliance shall be in accordance with the procedures set forth in chapter 18-60-WAC, but in no case shall full compliance be later than the time limitations established in WAC 18-36-030.

(6.0) WAC 18-52-050 COMPLIANCE

Compliance shall be in accordance with the procedures set forth in chapter 18-60-WAC, but, in no case, shall full compliance be later than July 1, 1972 for WAC 18-52-030(1), and January 1, 1975 for WAC 18-52-030(2) and (3).

WAC 18-36-045 Repealed.

REGULATION 1

NORTHWEST AIR POLLUTION AUTHORITY

REGULATION 1

CHAPTER I

ORGANIZATION AND GENERAL PROVISIONS

(2.0) SECTION 1.01 NAME OF AUTHORITY

The multi-county agency, consisting of Island, San Juan, Skagit and Whatcom Counties, having been formed pursuant to the Washington Clean Air Act RCW 70.94, shall be known and cited as the "NorthWest Air Pollution Authority".

(2.0) SECTION 1.02 SHORT TITLE

This Regulation may be known and cited as "Regulation 1 of the NorthWest Air Pollution Authority".

(2.0) SECTION 1.03 POLICY

(a) It shall be the policy of the NorthWest Air Pollution Authority to secure and maintain such levels of air quality as will protect human health and safety, prevent injury to plant and animal life and to property and foster the comfort and convenience of the inhabitants of this area in order to facilitate their enjoyment of the area's natural beauty and thus promote the economic and social well being of the area.

(b) In order to carry out the requirements of the Washington Clean Air Act and to provide uniform administration and enforcement, the NorthWest Air Pollution Authority adopts the following set of policies and ambient air quality objectives.

Ambient air quality objectives are deemed necessary and desirable. They serve as a starting point for all air pollution matters. Since pollutants represent ground-level or point-of-use concentrations, they will serve as the basis for the control of source emissions to achieve the ambient air quality objectives.

The establishment of control procedures and emission standards are the administrative means of achieving this goal.

(2.0) SECTION 1.05 DUTIES AND POWERS

(a) Pursuant to the provisions of the Washington Clean Air Act, and Chapter 62, Laws of 1970 Second Extraordinary Session, 8/7/70, the Board may take such reasonable action as may be necessary to prevent air pollution which may include control or measurement of emission of air contaminant from a source.

The Board shall appoint a Control Officer competent in the field of air pollution control who shall observe and enforce the provisions of all ordinances, orders, resolutions, or rules and regulations of this Authority pertaining to the control and prevention of air pollution. The Board shall establish such procedures and take such action as may be required to implement Section 1.03 in a manner consistent with the State Act and other applicable laws.

(b) The Board shall require that the Control Officer maintain appropriate records and prepare periodic reports.

(c) The Board shall receive minutes of meetings of the Advisory Council as required, the decisions of the Advisory Council shall be forwarded to the Board in writing and shall include minority opinions in cases of serious disagreement.

(16.0) SECTION 1.07 INVESTIGATIONS AND STUDIES

(a) The Control Officer and/or his qualified agents may make any reasonable investigation or study which is necessary for the purpose of standards or any amendments thereto on reducing the amount or kind of contaminant.

(b) When investigating conditions specific to the control, recovery or release of air contaminants, the Control Officer or his duly authorized representatives shall have the power to enter at reasonable times upon any private or public property, except non-multiple unit private dwellings housing two families or less.

(c) If an authorized employee of the Authority, during the course of an inspection desires to obtain a sample of air contaminant, he shall notify the owner or lessee at the time and place of obtaining a sample so the owner or lessee has the opportunity to take a similar sample at the same time and place. A receipt shall be given to the owner or lessee for the sample obtained.

(14.0) SECTION 1.09 CONFIDENTIAL INFORMATION

Whenever any records or other information furnished to or obtained by the Authority pursuant to any sections in the State Act as amended, relates to processes or production unique to the owner or operator, or are likely to affect adversely the competitive position of such owner or operator if released to the public or to a competitor, the owner or operator of such processes or production may so certify and request that such records or information be made available only for the confidential use of the Board, the Advisory Council and Authority staff. The Board shall give consideration to the request and if such action would not be detrimental to the public interest and is otherwise within accord with the policies and purposes of the Regulations of this Authority and with State Law, may grant the same. No member of the Authority shall access to any confidential information in which he may, in the opinion of the Board, have a conflict of interest.

(15.0) SECTION 1.11 VIOLATIONS - NOTICE

Whenever the Board or the Control Officer has reason to believe that any provisions relating to the control or prevention of air pollution has been violated, the Board or Control Officer may cause written notice to be served upon the alleged violator or violators. The notice shall specify the Regulation alleged to be violated, and the facts alleged to constitute a violation thereof, and may include an order that necessary corrective action be taken within a reasonable time. In lieu of an order, the Board or Control Officer may require that the alleged violator or violators appear before the State Hearing Board pursuant to State Law.

(16.0) SECTION 1.13 ORDERS AND HEARINGS

(a) Any order issued by the Board or by the Control Officer, which is not preceded by a hearing, shall become final unless, no later than 30 days after the date the notice and/or order are served, the person aggrieved by appeals to the State Hearing Board as provided by State Law.

(b) If, after a hearing held as a result of a petition to the Authority by a person aggrieved by an order, the Board finds that a violation has occurred or is occurring, it shall affirm or modify the order previously issued, or if the finding made is that no violation has occurred or is occurring, the order shall be rescinded. If, after a hearing held in lieu of an order, the Board finds that a violation has occurred or is occurring, it shall issue an appropriate order or orders for the prevention, abatement or control of the emissions involved or for the taking of such other corrective actions as may be appropriate. Any order issued as part of a notice or independently may prescribe the date or dates by which the violation or violations shall cease and may prescribe timetables for necessary action in preventing, abating, or controlling the emissions.

(c) The Board shall retain authority to hold hearings, issue subpoenaes for witnesses and evidence, and take testimony under oath and do all things not prohibited by or in conflict with State Law.

(d) Any hearings held under this section, under the Washington Clean Air Act or under Chapter 62, Laws of 1970 (Second Ex. Sess.) shall be conducted in accordance with the rules or evidence as set forth in RCW 34.04.100 or as hereafter amended.

(16.0) SECTION 1.15 APPEALS FROM BOARD ORDERS

Any order issued by the Board after a hearing shall become final unless no later than thirty days after the issuance of such order the aggrieved party appeals to the State Hearing Board as provided by State Law.

(16.0) SECTION 1.17 STATUS OF ORDERS ON APPEAL

(a) Any order of the Control Officer or the Board shall be stayed pending final determination of any hearing or appeal taken in accordance with the provisions herein, unless further interim order is issued by the Hearing Board.

(b) Nothing in the Regulations of this Authority shall prevent the Control Officer or Board from making efforts to obtain voluntary compliance through warning, conference, any other appropriate means or use of any other legal remedy.

(2.0) SECTION 1.19 INTERFERENCE OR OBSTRUCTION

No person shall willfully interfere with or obstruct the Control Officer or any Authority employee and/or assigned agent in carrying out any lawful duty.

(2.0) SECTION 1.21 FALSE AND MISLEADING ORAL STATEMENTS: UNLAWFUL REPRODUCTION OR ALTERATION OF DOCUMENTS

(a) No person shall willfully make a false or misleading oral statement to the Board as to any matter within the jurisdiction of the Board.

(b) No person shall reproduce or alter or cause to be reproduced or altered any order, registration certificate, or other paper issued by the Authority if the purpose of such reproduction or alteration is to evade or violate any provision of the Regulations of this Authority, or any other law.

(2.0) SECTION 1.23 DISPLAY OF ORDERS, CERTIFICATES AND OTHER NOTICES: REMOVAL OR MUTILATION PROHIBITED

(a) Any order, or registration certificate required to be obtained by the Regulations of this Authority, shall be available on the premises designated on the order or certificate.

(b) In the event that the Authority requires a notice to be displayed, it shall be posted. No person shall mutilate, obstruct or remove any notice unless authorized to do so by the Board.

(2.0) SECTION 1.25 SERVICE OF NOTICE

(a) Service of any written notice required by the Regulations of this Authority shall be made on the owner or lessee of equipment, or his agent, as follows:

(1) Either by mailing the notice in a prepaid envelope directed to the owner or lessee of the equipment, or his agent, at the address listed on his application or order or registration certificate or at the address where the equipment is located, by United States Certified Mail, return receipt requested; or

(2) By leaving the notice with the owner or lessee of the equipment, or his agent, or if the owner or lessee is not an individual, with a member of the partnership or other group concerned, or with an officer or managing agent of the corporation.

(b) Service of any written notice required by the Regulations of this Authority shall be made on the Authority as follows:

(1) Either by mailing the notice in a prepaid envelope directed to the Authority at its office by United States Certified Mail, return receipt requested; or

(2) By leaving the notice at the Authority office with an employee of the Authority.

(2.0) SECTION 1.27 SEPARABILITY

If a provision of the Regulations of this Authority is declared unconstitutional or the application thereof to any person or circumstance is held invalid, the constitutionality or validity of every other provision of the Regulations of this Authority shall not be affected thereby.

(15.0) SECTION 1.29 PENALTY

(a) Any person who violates any provision of the Regulations of this Authority shall be guilty of a gross misdemeanor and upon conviction thereof shall be punished by a fine of not less than One Hundred Dollars ($100.00) nor more than One Thousand Dollars ($1,000.00), or by imprisonment for a term of not more than (1) year or by both fine and imprisonment for each separate violation. Each day upon which such violation occurs shall constitute a separate violation.

(b) The Control Officer shall be empowered by the Board to sign official complaints or issue citations or initiate court suits or use other legal means to enforce the provisions of the Regulations of this Authority.

(15.0) SECTION 1.30 CIVIL PENALTY

In addition to or as an alternate to any other penalty provided by law, any person who violates any of the provisions of Chapter 70.94 RCW or any of the rules and regulations of the Authority shall incur a penalty in the form of a fine in an amount not to exceed two hundred fifty dollars per day for each violation. Each such violation shall be a separate and distinct offense, and in case of a continuing violation each day's continuance shall be a separate and distinct violation.

Each act of commission or omission which procures, aids or abets in the violation shall be considered a violation under the provisions of this section and subject to the same penalty. The penalty shall become due and payable when the person incurring the same receives a notice in writing from the Control Officer of the Authority describing the violation with reasonable particularity and advising such person that the penalty is due unless a request is made for a hearing to the State Hearing Board. If the amount of such penalty is not paid to the Authority within thirty days after receipt of notice imposing the same and a request for a hearing has not been made, the attorney for the Authority, upon the request of the Control Officer, shall bring an action to recover such penalty in the Superior Court of the county in which the violation occurred. All penalties recovered under this section by the Board shall be paid into the treasury of the Authority and credited to its funds.

(15.0) SECTION 1.31 ADDITIONAL ENFORCEMENT

Notwithstanding the existence or use of any other remedy, whenever any person has engaged in, or is about to engage in, any acts or practices which constitute or will constitute a violation of any provisions of the Regulations of this Authority, or any rule, regulation or order issued by the Board or the Control Officer or his authorized agent, the Board, after notice to such person and an opportunity to comply, may petition either the State Hearing Board or the superior court of the county wherein the violation is alleged to be occurring or to have occurred, for a restraining order or a temporary or permanent injunction or another appropriate order.

(1.0) SECTION 1.33 GENERAL DEFINITIONS

Unless a different meaning is plainly required by the context, the following words and phrases as hereinafter used in the Regulations of the NorthWest Air Pollution Authority shall have the following meanings.

(a) Agricultural Operation - The growing of crops, the raising of fowl, animals or bees as a gainful occupation.

(b) Air Contaminant - Means dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substance, or any combination thereof.

(c) Air Pollution - Is presence in the outdoor atmosphere of one or more air contaminants in sufficient quantities and of such characteristics and duration as is, or is likely to be, injurious to human health, plant, or animal life, or property; or which unreasonably interfere with enjoyment of life and property.

(d) Air Quality Objective - The concentration and exposure time of a contaminant or multiple contaminants in the ambient air below which, according to available knowledge, undesirable effects will not occur.

(e) Air Quality Standard - An established concentration, exposure time and frequency of occurrence of a contaminant or multiple contaminants in the ambinet air which shall not be exceeded.

(f) Alteration - Any addition to or enlargement or replacement of; or any major modification or change of the design, capacity, process or arrangement, or any increase in the connected loading of, equipment or control facility which will significantly increase or adversely affect the kind or amount of air contaminant emitted.

(g) Ambient Air - The air that surrounds the earth excluding the general volume of gases contained within any building or structure.

(h) Authority - NorthWest Air Pollution Authority.

(i) Board - Board of Directors of the NorthWest Air Pollution Authority.

(j) Combustion Equipment - Any device which includes a chamber where combustion takes place and for which a flue, vent, or chimney is required for the venting of the products of combustion from a boiler, furnace, incinerator, stove, heater, industrial furnace, etc.

(k) Complainant - Any person who files a complaint.

(l) Control Facility - Includes any treatment works, control devices and disposal systems, machinery, equipment, structures, property or any part of accessories thereof, installed or acquired for the primary purpose of reducing, controlling, or disposing of industrial waste which, if released to the outdoor atmosphere could cause air pollution.

(m) Control Officer - Air Pollution Control Officer of the NorthWest Air Pollution Authority.

(n) Daylight Hours - The hours between official sunrise and official sunset.

(o) Emission - The act of releasing into the atmosphere an air contaminant or a gas stream which contains or may contain an air contaminant; or the material released to the atmosphere.

(p) Emission Point - The location (place in horizontal plane and vertical elevation) at which an emission enters the atmosphere.

(q) Emission Standard - Limitation on the release of a contaminant or multiple contaminants to the ambient air.

(r) Equipment - Any stationary or portable device or any part thereof capable of causing the emission of any air contaminant into the atmosphere or ambient air.

(s) Fire Chief - A state, county or city fire marshal, city fire chief; chief of each County Fire Protection District or authorized forestry officials from Washington State Department of Natural Resources.

(t) Fuel Burning Equipment - Any equipment, device, or contrivance, used for the burning of any fuel, and all appurtenances thereto, including ducts, breachings, control equipment, fuel feeding equipment, ash removal equipment, combustion controls, stacks, chimneys, etc., used for indirect heating in which the material being heated is not contacted by and adds no substances to the products of combustion.

(u) Incinerator - A furnace for the destruction of waste.

(u-1) Input Heat Capacity - In the maximum actual or design heat capacity, whichever is greater, stated in BTU/hr generated by a source.

(v) Installation - The placement, assemblage or construction of equipment or control facility at the premises where the equipment or control facility will be used, and includes all preparatory work at such premises.

(w) Land Clearing Operations - The removal of trees, brush, grass, and buildings for disposal on the site in preparation for a land improvement or construction project as distinguished from a forest harvest operation.

(x) Multiple Chamber Incinerator - Any incinerator consisting of two or more combustion chambers in series, employing adequate design parameters necessary for maximum combustion of the material to be burned.

(y) Odor - That property of a substance which allows its detection by the sense of smell.

(z) Opacity - Opacity means the degree to which an emission reduces the transmission of light and obscures the view of an object in the background.

(aa) Outdoor Fire - A fire where any material is burned in the open, in receptacle other than a furnace, incinerator, or other equipment connected to a stack or chimney.

(bb) Owner or Agent - Includes the person who leases, supervises or operates the equipment or control facility.

(cc) Particulate Matter - Small discrete masses of liquid or solid, exclusive of uncombined water.

(dd) Person - Means and includes an individual, firm, public or private corporation, association, partnership, political subdivision, municipality or government agency.

(dd-1) Plant Source - Any person operating a process or group of processes at a single geographic location, regardless of the number of emission points, will constitute an emission as if they were from a single source.

(ee) Portable Equipment - Equipment designed to be transported from place to place for temporary operation.

(ee-1) Process - A physical and/or chemical modification or treatment of a material from its previous state or condition.

(ff) Refuse - Putrescible and non-putrescible solid wastes including garbage, rubbish, ashes, dead animals, abandoned automobiles, solid market wastes, street cleanings, and industrial wastes (including waste disposal in industrial salvage).

(gg) Refuse Burning Equipment - Equipment designed to burn (refuse) waste material, scrap or combustion remains.

(hh) Reid Vapor Pressure - That pressure as determined according to American Society for Testing and Materials method, ASTM - D323-58.

(ii) Ringelmann Smoke Chart - Means the Ringelmann Smoke Chart with instruction for use, as published by the United States Bureau of Mines Information Circular 7718, May 1967.

(jj) Rubbish - Includes non-putrescible solid wastes, including ashes and consisting of both combustible and non-combustible wastes such as paper, cardboard, yard clippings, wood, glass, cans, bedding, household articles and similar materials.

(kk) Smoke - Gas borne particulate matter in sufficient numbers to be observable.

(ll) Stack - Duct, chimney, flue, conduit, or opening arranged for the emission into the outdoor atmosphere of air contaminants.

(mm) Standard Cubic Foot of Gas - That amount of the gas which would occupy a cube having dimensions of one foot on each side, if the gas were free of water vapor at a pressure of 14.7 P.S.I.A. and a temperature of 60 degrees F.

(nn) State Act - Washington Clean Air Act (RCW 70.94) and Chapter 62, Laws of Washington, 1970 Extraordinary Session.

(oo) State Department - Washington State Department of Ecology.

(pp) Suspended Particulates - Those airborne particulates collected on 8" x 10" sheets of flash-fired glass fiber filter web of given porosity using a high-volume air sampler in the manner adopted by the TR-2 Air Pollution Measurements Committee and published in JAPCA 17:1 (1967).

(2.0) SECTION 1.35 ADOPTION OF STATE LAW

All provisions of State law as it now exists or may be hereafter amended, which is pertinent to the operation of the Authority is hereby adopted by reference and made a part of the regulations of this Authority.

Specifically, there is adopted the Washington State Clean Air Act (RCW 70.94), the Administrative Procedures Act (RCW 34.04), and Chapter 62, Laws of Washington 1970 (Second Ex. Sess.).

CHAPTER II

AMBIENT AIR QUALITY OBJECTIVES

(2.0) SECTION 2.01 FOREWORD

(a) Ambient air quality objectives are not to be confused with air quality standards, but are goals to be strived for. They are intended to describe a level of air quality which will:

(1) Not degrade human health and safety.

(2) Avoid injury to plant and animal life and property.

(3) Be consistent with the economic and social well being of the area.

(b) Objectives are designed to serve as a guide:

(1) For the development of ambient and emission standards

(2) In the preparation of long- and short-range objectives for ambient and emission standards, and

(3) For the selection of air pollution control measures for existing and planned facilities which could create air pollution.

(c) The adopted objectives are not intended to represent the ultimate in air quality achievement. As evidence accumulates on the effects of contaminants, and as new and/or revised sampling and analytical procedures become available, present objectives and procedures may be revised and/or additional objectives and procedures may be established.

(2.0) SECTION 2.03 AMBIENT AIR QUALITY AREAS

(a) Air pollution potentials vary within the jurisdiction of the Authority with varying degrees of social and economic development. These factors in combination with topographic and meteorological elements tend to accentuate or reduce emission effects.

(b) The ambient air quality goals are defined for three areas within the jurisdiction of the Authority.

Area 1 - predominantly used for timber and agricultural crops, farming and recreation. Habitation and industry sparse.

Area 2 - dwelling units, small farms, commercial and office buildings and stores.

Area 3 - primarily light and heavy industry.

(c) The Authority shall receive within 360 days of the adoption of these objectives the delineation of the areas within the jurisdiction of the Authority.

(4.0) SECTION 2.05 AMBIENT AIR QUALITY OBJECTIVES

	Area		
Particulates	1	2	3
Suspended particulates (mg/m^3)			
Sampling period - 24 hours			
50% of annual values less than	0.040	0.050	0.065
84% of annual values less than	0.060	0.075	0.100
Settleable particulates ($mg/cm^2/mo$)			
Sampling period - 30 days			
50% of annual values less than	0.30	0.45	0.60
84% of annual values less than	0.35	0.55	1.20
Sulfur Dioxide (ppm by volume)			
Sampling period - 24 hours			
50% of annual values less than	0.1	0.1	0.15
Sampling period - one hour			
95% of annual values less than	0.25	0.30	0.40
Sulfuric Acid Mist (mg/m^3)			
Sampling period - 24 hours			
50% of annual values less than	0.1	0.1	0.15
Hydrogen Sulfide (ppm by volume)			
Sampling period - 2 hours			
50% of annual values less than	0.04	0.06	0.10
Total Oxidants (ppm by volume)			
Sampling period - one hour			
50% of annual values less than	0.1	0.15	0.15
Fluorides (ppm by volume as HF)			
Sampling period - 24 hours			
50% of annual values less than	0.001	0.001	0.002

Smoke - The ambient air shall not contain visible smoke which is inconsistent with the economic or social well-being of the community or which will prevent enjoyment and use of property. The ambient air shall not contain dispersed materials in an amount such that the Coefficient Of Haze will exceed 0.5 COH's per one thousand (1000) linear feet of air. The degree of haze present in the ambient air shall be referred to as the Soiling Index.

Odorous Substances - The ambient air shall not contain odorous substances in such concentrations or of such duration as will threaten health or safety or prevent the enjoyment and use of property.

Radioactive Substances - The ambient air shall not contain any radioactive substances in concentrations which are deleterious, either directly or indirectly, to human health or which affect the economic or social well-being of the community.

Other Toxic or Deleterious Substances - The ambient air shall not contain toxic or deleterious substances, in addition to those specifically listed in these objectives, in concentrations and durations which have been demonstrated to adversely affect human health well-being, or unreasonably and adversely affect plant or animal life.

SAMPLING AND ANALYTICAL METHODS

1. Suspended Particulates - "Recommended Standard Method for Atmospheric Sampling of Fine Particulate Matter by Filter Media - High Volume Sampler" TR-2 Air Pollution Measurements Committee JAPCA 17:1 (January 1967).

2. Settleable Particulates - The procedure adopted by the Oregon-Washington Air Quality Committee. October 1968.

3. Sulfur Dioxide - (a) "Fixation of Sulfur Dioxide as Disulfitomercurate (II), Subsequent Colorimetric Estimation" West, P.W., Gaeke, G.C. Anal. Chem. 28: 1816 (1956).

4. Sulfuric Acid Mists - In preparation.

5. Hydrogen Sulfide - Jacobs, et al, Analytical Chemistry 29:1349 (1957) with the Adams cadmium hydroxide - Stractan modification.

6. Oxidants - In preparation.

7. Fluorides - In preparation.

(2.0) SECTION 2.07 APPLICATION OF OBJECTIVES

(a) The Authority may employ any reasonable method or combination of methods such as area sampling, source sampling, emission evaluation and assessment of source contribution and effect.

(b) Consistent with Section 2.01 (a), of this Regulation, it is the intent of the Authority to establish emission standards such that emissions in one area will not contravene the objectives in another area.

REGULATION 2

CHAPTER I

CONTROL PROCEDURES

(2.0) SECTION 1.01 SHORT TITLE

This Regulation may be known and cited as "Regulation 2 of the NorthWest Air Pollution Authority".

(3.0) SECTION 1.03 REGISTRATION REQUIRED

All air contaminant sources within the jurisdiction of the Authority shall be registered with the Authority within 180 days of the effective date of this Regulation except any of the air contaminant sources which are listed in Exhibit "A", which is attached hereto and made a part hereof, as now constituted or as hereafter amended.

(2.0) SECTION 1.04 APPROVAL TO OPERATE REQUIRED

Before any article, machine, equipment, facility or other contrivance, the use of which may cause emission of air contaminants, may be operated or used, it must first be registered with this Authority and a written approval to operate secured from the Control Officer, unless specifically excluded by Regulation II, Section 1.03 - Exhibit A. An initial registration shall be made and shall expire on December 31 of the calendar year in which issued. At least thirty (30) days prior to the expiration of the registration the registrant shall make application for renewal of the registration, an application for registration shall be submitted to the Control Officer on forms provided by the Authority. Registrant shall submit with the application such data as the Control Officer may reasonably require.

(3.0) SECTION 1.05 GENERAL REQUIREMENTS FOR REGISTRATION

(a) Registration of an installation shall be made by the owner or lessee of the source, or his agent, on forms furnished by the Authority. The owner of the source shall be responsible for registration and the correctness of the information submitted.

(b) A separate registration shall be required for each source of contaminant; provided that an owner has the option to register a process with a detailed inventory of contaminant sources and emissions related to said process, provided further that, an owner need not make a separate registration for identical units of equipment or control facility installed, altered or operated in an identical manner on the same premises.

(c) Each registration shall be signed by the owner or lessee, or the agent for such owner or lessee.

EXHIBIT "A"

LIST OF EXCLUSIONS ADOPTED BY THE BOARD AND ATTACHED AS ADDENDUM

Exclusion from registration does not absolve the owner, lessee, or agent from all other requirements of the Regulations of this Authority.

1. Air conditioning or ventilating systems not designed to remove air contaminants generated by or released from equipment.

2. Asphalt laying equipment.

3. Atmosphere generators used in connection with metal heat treating processes.

4. Blast cleaning equipment which uses a suspension of abrasive in liquid water.

5. Foundry sand mold forming equipment, unheated.

6. Fuel burning equipment, other than smoke house generators, which:

   (i) is used solely for a private dwelling serving less than five families;

   (ii) has a BTU input of not more than 400,000 BTU per hour.

7. Fumigation vaults.

8. Insecticide spray equipment, non-commercial.

9. Internal combustion engines, including gas turbine and jet engines.

10. Laboratory equipment used exclusively for chemical or physical analyses.

11. Laundry driers, extractors or tumblers used exclusively for the removal of water from fabric.

12. Routing, turning, carving, cutting and drilling equipment used for metal, wood, plastics, rubber, leather or ceramics.

13. Portable equipment which is used within the jurisdiction of the Authority for less than 60 days.

14. Sewing equipment.

15. Surface coating by use of aqueous solution or suspension.

16. Steam cleaning equipment used exclusively for that purpose.

17. Storage tanks, reservoirs, or containers:

    (i) Of a capacity of 6,000 gallons or less used for organic solvents, dilutents or thinners.

    (ii) Of a capacity of 65,000 gallons or less, in the aggregate, used for liquid fuels including gasoline, lubricating oils, tallow, vegetable oil, or wax emulsions.

    (iii) Containing liquids whose vapor pressure is equal to or less than 1.5 psia (78mm) at 100°F (38°C).

    (iv) Containing liquid organic mixtures whose Reid Vapor Pressure is equal to or less than 1.5 lbs.

    (v) Containing liquids which are not vented to the atmosphere.

18. Vacuum producing devices used in laboratory operations, and vacuum producing devices which do not remove or convey air contaminants from or to another source.

19. Vents used exclusively for:

    (i) Sanitary or storm drainage systems; or

    (ii) Safety valves; or

    (iii) Storage tanks; or

    (iv) Non-toxic and non-inflammable gases.

20. Washing or drying equipment used for products fabricated from metal or glass, if no volatile organic material is used in the process.

21. Water cooling towers, cooling ponds, and barometric condensers.

22. Welding, brazing or soldering equipment.

(2.0) SECTION 1.07 NOTICE OF CONSTRUCTION - WHEN REQUIRED

(a) No person shall construct, install or establish a new air contaminant source, except those sources excluded in Exhibit "A" of Section 1.05 of this Regulation, without first filing with the Authority a "Notice of Construction and Application for Approval", on forms prepared and furnished by the Authority; provided that, for the purposes of Section 1.07 through 1.17 of this Regulation, alterations shall be construed as construction or installation or establishment of a new air contaminant source.

(b) A Notice of Construction and Application for Approval shall not be required to commence an alteration of equipment or control facility in the event of breakdown or if delaying the alteration may endanger life or have other serious consequences. The Authority shall be notified in writing of the alteration on the first working day after the alteration is commenced and A Notice of Construction and Application for Approval shall be filed within fourteen (14) days after the alteration is commenced.

(c) A separate Notice and Application shall be submitted for each unit of equipment or control facility, unless identical units of equipment or control facility are to be installed, constructed or established in an identical manner on the same premises; provided that said identical units may as a group, be listed on one application but that identical units subsequently added shall require separate Notice and Application; provided also that, the owner has the option to give notice and apply for approval of a process with a detailed inventory of contaminant sources and emissions related to said process.

(3.0) SECTION 1.09 INFORMATION REQUIRED FOR NOTICE OF CONSTRUCTION AND APPLICATION FOR APPROVAL

(a) Each Notice of Construction and Application for Approval for the construction, installation or establishment of a new air contaminant source as described above shall be accompanied by two sets of plans which show and describe the equipment and control facility, its location and function.

(b) The proposed means for the prevention or control of the emissions of air contaminants.

(c) Each Notice of Construction Application for Approval shall be signed by the applicant or owner who may be required to submit evidence of his authority.

(d) The Board or Control Officer may request additional reasonable information, evidence or documentation to show that the proposed equipment or control facility will meet the emission standards as now or hereinafter set by the Board.

(2.0) SECTION 1.11 ISSUANCE OF APPROVAL OR ORDER

(a) Within thrity (30) days of receipt of Notice of Construction and Application for Approval, and with the supporting information and data necessary for determination of probable compliance as indicated in Section 1.11 (b) of this Regulation, the Board or Control Officer shall issue an Approval of Construction or an Order that the construction, installation or establishment of a new air contaminant source will not be in accord with the applicable emission standards as are in effect at the time of filing the Notice of Construction and Application for Approval.

(b) No approval will be issued unless the information supplied as required by Subsection 1.09 (a) of this Regulation evidences to the Board or Control Officer that:

1. The equipment is designed and will be installed to operate without causing a violation of the emission standards.

2. The equipment incorporates advances in the art of air pollution control developed for the kind and amount of air contaminant emitted by the equipment.

3. Equipment having a stack or duct three feet or more in diameter will be provided with:

   (i) Sampling ports of a site, number and location as the Authority may require; and

   (ii) Safe access to each port; and

   (iii) Such other reasonable sampling and testing facilities as the Board or Control Officer may require.

4. Fuel burning equipment and refuse burning equipment will achieve optimum combustion of fuel or refuse material to be burned.

5. All parts of the equipment can be readily cleaned or repaired.

(c) If the Board or Control Officer determines that the construction, installation or establishment of a new air contaminant source will not meet the emission standards, the Board or Control Officer shall, within thirty (30) days of the receipt of the Notice and Application, issue an Order for the prevention of the construction, installation or establishment of the air contaminant source or sources, and,

1. The Order shall be in writing;

2. The Order shall set forth the objections in detail with references to the emission standards that will not be met by the proposed construction, installation or establishment;

3. The Order shall be signed by the Control Officer or his authorized representative.

(d) Any Order issued pursuant to this section shall become final unless, no later than fifteen (15) days after the date the Order is served pursuant to Section 1.25 of Regulation 1, the owner or applicant petitions for a reconsideration of the Order with reasons for the reconsideration.

1. The Board or Control Officer shall consider the petition, and shall within thirty (30) days of receipt of the information required in Section 1.11 (b) of this Regulation, give written notice of approval or disapproval of the petition setting forth the reasons for disapproval.

2. If the petition of the owner or applicant be disapproved, the owner or applicant may petition the State Hearing Board within thirty (30) days after receipt of the notice of disapproval.

(e) Failure to issue such an order or approval within the time prescribed herein shall be deemed a determination that the construction, installation or establishment may proceed, provided that it is in accordance with the plans, specifications or other information, if any, required to be submitted. Such failure, however, shall not relieve any person from his obligation to comply with any emission control requirement, or with any other provision of law.

(2.0) SECTION 1.13 NOTICE OF COMPLETION - ORDER OF VIOLATION

(a) The owner or applicant shall notify the Board or Control Officer of the completion of construction, installation or establishment and the date upon which operation will commence. The Board or Control Officer shall, within thirty (30) days of receipt of notice of completion, inspect the construction, installation or establishment, and the Board or Control Officer may issue an Order of Violation if he finds that the construction, installation or establishment is not in accord with the plans, specifications or other information submitted to the Authority, and will be in violation of the emission standards in existence at the date the order was issued.

(b) Upon receipt of an Order of Violation, the owner may appeal said order in accordance with the provisions and procedures of Section 1.13, 1.15, and 1.17 of Regulation 1.

(c) The issuance of approval as provided by Sections 1.07 through 1.15 of this Regulation, shall not relieve the owner of the obligation to comply with the emission standards as adopted by this Authority, or prevent the Board or Control Officer from issuing such orders as provided by Section 1.11 of Regulation 1.

(9.0) SECTION 1.14 TESTING AND SAMPLING

(a) Any person operating or using any article, machine, equipment or other contrivance for which these regulations require registration shall provide and maintain such sampling and testing facilities as specified in the approval to construct or the registration to operate.

(b) Before an approval to construct or a registration to operate is granted, the Control Officer may require the owner or applicant to provide and maintain such facilities as are necessary for sampling and testing purposes in order to secure information that will disclose the nature, extent, quality or degree of air contaminants discharged into the atmosphere from the article, machine, equipment or other contrivance described in the notice of construction, or application for registration to operate. In event of such a requirement, the Control Officer shall notify the applicant in writing of the required size, number and location of sampling ports; the size and location of the sampling platform; and the utilities for operating the sampling and testing equipment. The platform, access, and utilities shall be constructed and maintained in accordance with the Rules and Regulations of the State Department of Labor and Industries and other applicable State and Local regulations, rules and ordinances.

(c) Any person operating a registered air contaminant source may, at any time, be required to monitor the ambient air or conduct emission tests as deemed necessary by the Control Officer under the following provisions:

(1) The Board or Control Officer may require any person operating any source to conduct a monitoring program on site or adjacent off site for emissions, ambient air concentrations or any other pertinent special studies deemed necessary.

(2) All monitoring data shall be submitted in a form which the Board or Control Officer may require. Averaging time and collection periods will be determined by the Control Officer.

(3) All data and records shall be kept for a period of at least one year and made available to the Control Officer at his request.

(4) All instruments used in making any studies shall be calibrated and maintained using a procedure approved by the Control Officer.

(5) The Control Officer may take such samples and make any tests and investigations he feels are necessary to determine the accuracy of the monitoring reports and tests submitted to the Authority, and the competence of the persons conducting the monitoring program. He may also require the owner or operator to take a sample at a time and place designated and test such sample using an approved procedure and submit the results thereof within a reasonable period of time.

(6) The Board or the Control Officer may require additional monitoring be undertaken at any reasonable time to insure compliance with these regulations.

(2.0) SECTION 1.15 CONDITIONAL APPROVAL

The owner or applicant may request a conditional approval for an experimental installation, construction or establishment and said approval may be issued by the Board or Control Officer if it appears to the Board or Control Officer, from all submitted information that the installation, construction or establishment when completed will satisfy the emission standards adopted by the Board. Conditional approval shall be limited to one year maximum and may be renewed by application to the Board or Control Officer.

(2.0) SECTION 1.16 TRANSFER

A registration, approval to construct, operate or use any article, machine, equipment facility or other contrivance, the use of which may cause emission of air contaminants, shall not be transferable, whether by operation of law or otherwise, either from one location to another, from one piece of equipment to another, or from one person to another.

(5.0) SECTION 1.17 VARIANCES

(a) Any person who owns or is in control of any plant, building, structure establishment, process or equipment including a group of persons who owns or controls like processes or like equipment may apply to the Board for a variance from rules or regulations governing the quality, nature, duration or extent of discharges of air contaminants. The application shall be accompanied by such information and data as the Board may require. The Board may grant such variance, but only after public hearing or due notice, if it finds that:

(1) The emissions occurring or proposed to occur do not endanger public health or safety; and

(2) Compliance with the rules or regulations from which variance is sought would produce serious hardship without equal or greater benefits to the public.

(b) No variance shall be granted pursuant to this section until the Board has considered the relative interests of the applicant, other owners or property likely to be affected by the discharges, and the general public.

(c) Any variance or renewal thereof shall be granted within the requirements of subsection (a) and for time periods and under conditions consistent with the reasons therefore, and within the following limitations:

(1) If the variance is granted on the ground that there is no practicable means known or available for the adequate prevention, abatement or control of the pollution involved, it shall be only until the necessary means for prevention, abatement or control become known and available, and subject to the taking of any substitute or alternate measure that the Board may prescribe.

(2) If the application for variance shows that there is no automobile fragmentizer in the state within a reasonable distance of the wrecking yard for which the variance is sought, a variance will be granted for a period not to exceed three years for commercial burning of automobile

hulks, subject to such conditions as the Board may impose as to climatic conditions and hours during which burning of such hulks may be carried out; PROVIDED HOWEVER, that any variance granted hereunder shall be of no force and effect after July 1, 1970.

(3) If the variance is granted on the ground that compliance with the particular requirements or requirement from which variance is sought will require the taking of measures which, because of their extent or cost, must be spread over a considerable period of time, it shall be for a period not to exceed such reasonable time as, in the view of the Board is requisite for the taking of the necessary measures. A variance granted on the ground specified herein shall contain a timetable for the taking of action in an expeditious manner and shall be conditioned on adherence to such timetable.

(4) If the variance is granted on the ground that it is justified to relieve or prevent hardship of a kind other than that provided for in items 1., 2., and 3. of this subparagraph, it shall be for not more than one year.

(d) Any variance granted pursuant to this section may be renewed on terms and conditions and for periods which would be appropriate on initial granting of a variance. If complaint is made to the Board on account of the variance, no renewal thereof shall be granted unless, following a public hearing on the complaint on due notice, the Board finds that renewal is justified. No renewal shall be granted except on application therefor. Any such application shall be made at least sixty (60) days prior to the expiration of the variance. Immediately upon receipt of an application for renewal, the Board shall give public notice of such application in accordance with rules and regulations of the Board.

(e) A variance or renewal shall not be a right of the applicant or holder thereof but shall be at the discretion of the Board. However, any applicant adversely affected by the denial or the terms and conditions of the granting of an application for a variance or renewal of a variance by the Board may obtain judicial review thereof under the provisions of Chapter 34.04 RCW as now or hereafter amended.

(f) Nothing in this section and no variance or renewal granted pursuant hereto shall be construed to prevent or limit the application of the emergency provisions and procedures of RCW 60, 94.415 to any person or his property.

CHAPTER II

EMISSION STANDARDS

(2.0) SECTION 2.01 INTRODUCTION

(a) The Authority recognizes the need for accurate source data when attempting to correlate ground-level concentrations with source emissions, or when calculating the expected ground-level concentrations.

(b) Since accurate determination of the required source data is a complex process, procedures for obtaining such data should be developed from the source regulations set forth herein and those in prospect.

(c) In exercising judgement regarding possible ground-level concentrations from stack emission data, three desirable elements are:

(1) source emission rate data obtained by actual measurement

(2) a mathematical model of the community diffusion situation and,

(3) values for parameters of the model

(d) The Authority shall investigate methods of analysis and standards incorporating new developments in the state of the art of measurement and control.

(e) The Authority shall develop guidelines for emission standards for pollutants presently not being emitted in the area of jurisdiction to serve as guides for industries considering locating here. These are to be based on the best experience elsewhere in the nation and consistent with latest technological achievements.

(50.1.2) SECTION 2.05 EMISSION OF AIR CONTAMINANT: VISUAL STANDARD

(a) It shall be unlawful for any person to cause or allow the emission of any air contaminant for a period or periods aggregating more than three (3) minutes in any one hour, which is:

(1) Darker in shade than that designated as No. 2 (40% density) on the Ringlemann Chart: or

(2) Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in subsection

205 (a) (1); provided that 2.05 (a) (2) shall not apply when the particulate emission is not greater than 0.1 grain per standard cubic foot (229 milligrams per standard cubic meter) of exhaust gas except as otherwise provided by specific process emission restrictions adopted by the State Board or this Authority.

(b) It shall be unlawful for any person to cause or allow the emission of any air contaminant from equipment installed subsequent to the effective date of the Regulations of this Authority for a period aggregating more than three (3) minutes in any one hour, which is as dark or darker than that designated as No. 1 (20% density) on the Ringlemann Chart.

(c) The only exceptions to 2.05 (a) and 2.05 (b) shall be as follows:

(1) When an emission occurs due to soot blowing or to conditions beyond the control of the owner or operator. Subject to the determination and concurrence of the Control Officer the emission may be darker than that designated as No. 2 (40% density) on the Ringlemann Chart for a period of not more than fifteen (15) minutes in any 8-hour period; provided that, the operator shall take immediate action to correct the condition; provided further that, the operator will be allowed one (1) hour in any 24-hour period during start-up operations.

(2) In the event of periodic shutdowns, or unavoidable failure or breakdown of any equipment or device or other circumstances beyond the control of any person owning or operating such equipment, including necessary shutdowns of smoke abatement or dust collection equipment for purposes of maintenance or repair, which tends to produce unlawful emissions of smoke particulate or other matter, provided that the owner or operator, subject to the determination and concurrence of the Control Officer, of such equipment or process shall immediately notify the Authority of such shutdown, failure, breakdown or other circumstances, together with the pertinent facts relating thereto and a statement of the date upon which the condition will be rectified and shall proceed forthwith to rectify the condition, and shall also report to the Control Officer when such defect has been removed and when such periodic shutdown is over.

(d) The density or opacity of an air contaminant shall be measured at the point of its emission, except when the point of emission cannot be readily observed, it may be measured at an observable point on the plume nearest the point of emission.

(e) This section shall not apply when the presence of uncombined water is the only reason for the failure of the emission to meet the requirements of this section.

(f) This section shall not apply to motor vehicles, aircraft, or fires specifically excluded in Section 2.03 of this Regulation, but shall apply to subsection (b), Section 2.03 of this Regulation.

(51.9) SECTION 2.07 INCINERATOR BURNING

It shall be unlawful for any person to burn any refuse in any incinerator within the boundaries of the Authority except in a multiple chamber incinerator as defined in Section 1.33, Regulation 1, and provided with an emission control facility, or in equipment found by the Control Officer in advance of such use to be equally effective for the purpose of air pollution control.

(51.13) SECTION 2.09 REFUSE BURNING EQUIPMENT: TIME RESTRICTION

(a) It shall be unlawful for any person to cause or permit the operation of refuse burning equipment at any time other than daylight hours of the same day, except with the approval of the Control Officer.

(b) Approval of the Control Officer for the operation of such equipment may be granted upon the submission of a written request stating:

(1) The full name and address of the applicant; and

(2) The location of the refuse burning equipment; and

(3) A brief description of the refuse burning equipment and its control apparatus; and

(4) Good cause for the issuance of such approval; and

(5) The hours, other than daylight hours, during which the applicant seeks to operate the equipment; and

(6) The length of time for which the exception is sought.

(50.2) SECTION 2.11 EMISSION OF SULFUR COMPOUNDS

(a) It shall be unlawful for any person to cause or permit the emission of sulfur dioxide from any premises which will result in concentrations and frequencies at ground level that exceed those shown in Table 1.

(b) It shall be unlawful for any person to cause or permit the emission of air contaminants from any equipment if the air contaminants emitted as measured in the stack contains sulfur compounds, calculated as sulfur dioxide, of more than fifteen hundred (1500) parts per million, except as otherwise provided by a specific emission restriction adopted by this Authority and/or the Washington State Department of Ecology. For the purpose of this Section, all sulfur present in gaseous compounds containing oxygen shall be deemed present as sulfur dioxide.

(c) Emissions of sulfur compounds calculated to be in excess of 2,000 parts per million of sulfur dioxide at any emission point shall not constitute a violation of Section 2.11 (b) of this Regulation, provided such person responsible for the emissions provides reasonable evidence that such emissions will not cause ground-level concentrations on adjacent property to exceed the values indicated in Section 2.11 (a) of this Regulation.

(d) It shall be unlawful for any person to operate a contact type sulfuric acid plant and cause or allow the following types of air contaminants to be emitted to the atmosphere in excess of the following emission rates per ton of sulfuric acid produced:

(1) Twenty (20) pounds of sulfur dioxide tail-gas-emission, and,

(2) One (1.0) pound of sulfuric acid mist, and,

(3) Four tenths (0.4) of a pound of sulfur trioxide.

(e) Each person who operates a contact sulfuric acid plant shall submit to the Control Officer a monitoring proposal and monitoring schedule within one hundred and twenty (120) days of the effective date of this regulation. Each proposal shall include:

(1) At least one continuously recording meteorological station equipped to record wind speeds and direction as approved by the Control Officer.

(2) A method of monitoring on a periodic basis the concentration of the sulfur dioxide-tail-gas passing through the absorber into the atmosphere. An emission testing program shall be approved by the Control Officer. Said emission tests shall be made during normal operations, normal shut-downs, start-ups and upset conditions of the process.

(f) It shall be unlawful for any person to burn, sell, or make available for sale for burning in fuel burning equipment, within the jurisdiction of this Authority, any fuel containing a weight of sulfur in excess of that allowed by Subsection 1, 2 and 3 hereof; except as otherwise provided by a specific process emission restriction adopted by this Authority and/or the Washington State Department of Ecology for an aggregate period of time not to exceed thirty (30) days in any twelve (12) month period:

(1) Distillate fuel oil classified as Grade No. 1 (ASTM Designation: D396-69) shall contain three tenths percent (0.3%) of less sulfur by weight.

(2) Distillate fuel oil classified as Grade No. 2 ASTM Designation: D396-69) shall contain five-tenths percent (0.5%) or less sulfur by weight.

(3) All other grades or kinds of fuel oil intended for use in fuel oil burning equipment including ASTM Designation: D396-69 Grades No. 4, 5 and 6 shall contain two percent (2%) or less sulfur by weight.

TABLE 1

MAXIMUM ALLOWABLE SULFUR DIOXIDE
GROUND-LEVEL CONCENTRATIONS

Concentration*	Averaging Time	Frequency of Occurrence
1.0 ppm	5 minutes	Once in any 8-hour period
0.5 ppm	1 Hour	Once in any 4 consecutive days
0.2 ppm	24 Hours	Once in any 30 consecutive days

*Parts per million by volume:

Emissions exceeding the limits established in this subsection

(a) shall not constitute a violation of Section 2.11 of this Regulation, provided such emissions, from the emission point to the point of any such concentration, are on property controlled by the person responsible for such emissions.

(b) It shall be unlawful for any person to cause or permit the emission of air contaminant from equipment if the air contaminant emitted as measured in the flue contains sulphur compounds, calculated as sulphur dioxide, of more than 2,000 parts per million. For the purpose of this Section all sulphur present in gaseous compounds containing oxygen shall be deemed to be present as sulfur dioxide.

Tests for determining compliance with Subsection 2.11 (b) of this Regulation, shall be based on integrated samples collected over a period of not less than fifteen (15) consecutive minutes or 90 percent of the time of actual source operation, whichever is less.

(50.2) SECTION 2.12 EMISSION OF SULFUR COMPOUNDS

Weight/Heat Rate Standard

A. It shall be unlawful for any person to cause or allow the emission of sulfur compounds, calculated as sulfur dioxide, from any source to exceed the following:

(1) All sources are limited to an emission not to exceed 1.5 pounds of sulfur dioxide per million BTU of input heat per hour. PROVIDED: That all sources defined as plant sources shall, between the dates of October 1st. and April 30th of the succeeding calendar year, be limited to an emission to not exceed 1.8 pounds of sulfur dioxide per million BTU of heat input per hour and this proviso shall be of no force or effect after April 30, 1976.

(2) All sources not defined as plant sources may be exempt from subsection (1) of this regulation under the following conditions:

(a) That such exemption is not in excess of thirty (30) days in the aggregate in any calendar year.

(b) That the owner or operator notify the Control Officer immediately when such exemption is contemplated, or as soon as possible after an emergency has occurred, indicating the expected length of time of such exemption and when normal operations have been resumed.

(c) That the Control Officer or Board may require from the owner or operator any additional information deemed necessary to determine the conditions of the proposed exemption and may impose additional restrictions or conditions on the exemption if it is determined that Section 2.11 - Regulation II may be violated and/or applicable ambient air standards exceeded.

B. All sources defined as plant sources shall submit a proposed schedule of compliance with this Section within one hundred and eighty (180) days after the effective date of this Regulation providing the following:

(1) Compliance with this section shall in no event be later than July 1, 1974.

(2) The heat capacity of the entire plant source, the average heat output and the capacity and normal operating conditions of each individual source, which shall be submitted, reviewed and determined annually at a time and using a method determined by the Control Officer.

(3) Each source shall submit plans in accordance with Section 1.07-1.13 Rgulation II, in achieving compliance with this Section.

(4) Any new plants or alterations to existing plants shall be required to use the best available technology which has been adequately demonstrated to achieve compliance with these regulations.

(5) The amount of reduction in sulfur compound emission, calculated as sulfur dioxide, that is expected to be achieved to bring existing emissions into compliance with this Section.

C. All sources defined as plant sources shall submit a monitoring proposal and monitoring schedule within one hundred and twenty (120) days of the effective date of this Regulation. Each proposal shall include:

(1) At least one recording meteorological station equipped to record wind speed and direction and located and operated as approved by the Control Officer. The data shall be capable of being recorded and interpreted as hourly averages.

(2) The sulfur content and quantity of all materials, gaseous or liquid, fed to any boilers, furnaces, heaters, flares or any other facility capable of generating heat, resulting in emissions to the atmosphere. The sulfur content shall be expressed in pounds/hour of sulfur dioxide and shall contain an explanation of how this quantity was actually determined.

(3) The sulfur content and quantity of any other individual source capable of emitting sulfur to the atmosphere in quantities in excess of one hundred (100) pounds/day of sulfur compounds calculated as sulfur dioxide. PROVIDED: that all sources emitting less than one-hundred (100) pounds/day of sulfur compounds, calculated as sulfur dioxide may be estimated collectively as a single emission.

(4) The monitoring proposal complies with provisions of Section 1.14 - Regulation II.

D. All sources with an input heat capacity greater than five hundred million BTU/hour shall be classified as plant sources.

E.

(1) The total emission of all sources located in that portion of Sections 2, 3, 4, 5, 9, Township 34 N. and Sections 21, 27, 28, 29, 32, 33, 34, 35 Township 35 N., Range 2 E., Willamette Meridian, all in Skagit County, Washington and commonly known as the March's Point heavy industrial area; shall not exceed seven thousand (7000) pounds per hour of sulfur compounds, calculated as sulfur dioxide.

(2) When, in his judgment, based upon all available data, the Control Officer reasonably believes that there exists a substantial likelihood that this total is likely to be exceeded, he shall establish additional restrictions on any or all sources of sulfur compounds in said area to maintain a total emission of less than seven thousand (7000) pounds per hour.

F. Emission from flares, torches and waste gas burners used by any plant source subject to this Section shall be governed by the Regulations set forth in this Section, PROVIDED: that emissions from said sources that exceed the limits established by the Regulations of this Authority, shall also be subject to Section 2.21 - Regulation II "Report of Breakdown" when conditions set forth therein are applicable.

EFFECTIVE DATE: DECEMBER 10, 1971

(50.1) SECTION 2.13 EMISSION OF PARTICULATE MATTER

It shall be unlawful for any person to casue or permit the emission of particulate matter if the emission is in violation of Section 2.05 or if the particulate matter discharged into the atmosphere exceeds the following concentration at the point of emission:

(1) From a single existing source, 0.2 grain per standard cubic foot (458 milligrams per standard cubic meter) of exhaust gas except as otherwise provided by specific process emission restrictions adopted by the State Board of this Authority.

(2) From all refuse burning equipment installed subsequent to the effective date of this amended regulation, 0.10 grain per standard cubic foot (229 milligrams per standard cubic meter) of exhaust gas.

(3) From all fuel burning equipment installed subsequent to the effective date of this amended regulation, 0.05 grain per standard cubic foot (115 milligrams per standard cubic meter) of exhaust gas.

(50.6) SECTION 2.15 ODOR CONTROL MEASURES

(a) Effective control facilities and measures shall be installed and operated to reduce odor-bearing gases or particulate matter emitted into the atmosphere to a reasonable minimum.

(b) The Board or Control Officer may establish reasonable requirements that the building or equipment be closed and ventilated in such a way that all the air, gases and particulate matter are effectively treated for removal or destruction of odorous matter or other air contaminants before emission to the atmosphere.

(c) The ambient air shall not contain odorous substances, such as (but not limited to) hydrogen sulfide, mercaptans, organic sulfides and other aromatic and aliphatic compounds, in such concentration or of such duration as will threaten health or safety or prevent the enjoyment and use of property.

(50.7) SECTION 2.16 GENERAL NUISANCE

A person shall not discharge from any source whatsoever quantities of air contaminants in sufficient quantities and of such characteristics and duration as is or likely to be, injurious or cause damage to human health, plant or animal life or property; or which unreasonably interfere with enjoyment of life and property of a substantial number of persons.

(2.0) SECTION 2.17 EMISSION OF AIR CONTAMINANT: CONCEALMENT AND MASKING

(a) It shall be unlawful for any person to willfully cause or permit the installation or use of any device or use of any means which without resulting in a reduction in the total amount of air contaminant emitted, conceals an emission of air contaminant which would otherwise violate Section 2.05 through 2.15 of this Regulation.

(b) It shall be unlawful for any person to cause or permit the installation or use of any device or use of any means designed to mask the emission of an air contaminant which causes detriment to health, safety, or welfare of any person.

(50.1) SECTION 2.19 PREVENTING PARTICULATE MATTER FROM BECOMING AIRBORNE

(a) It shall be unlawful for any person to cause or permit particulate matter to be handled, transported or stored without taking reasonable precautions to prevent air pollution.

(b) It shall be unlawful for any person to cause or permit a building or its appurtenances or a road to be constructed, altered, repaired or demolished without taking reasonable precautions to prevent air pollution.

(c) It shall be unlawful for any person to cause or permit untreated open areas located within a private lot or roadway to be maintained without taking reasonable precautions to prevent air pollution.

(7.0) SECTION 2.21 REPORT OF BREAKDOWN

Emissions exceeding any of the limits established by the Regualtions of the Authority as a direct result of unavoidable upset conditions or unavoidable and unforseeable breakdown of equipment or control facility shall not be deemed in violation provided the following requirements are met:

(a) The upset or breakdown is immediately reported to the Authority.

(b) The person responsible shall upon the request of the Control Officer submit a full report including the known causes and the preventive measures to be taken to minimize or eliminate a re-occurrence.

(c) The Control Officer upon investigation concurs that the upset or breakdown was unavoidable.

(50.7) SECTION 2.23 FLUORIDES

(a) The following standards shall apply to forage:

(1) After sampling on a monthly basis, the yearly average fluoride content of the forage should not exceed 40 ppm fluoride ion (ppm F), on a dry weight basis; or be in excess of 60 ppm F for more than two consecutive months, or in excess of 80 ppm F for more than one month.

(2) In areas where cattle are not grazed continually but are fed cured forage, as hay, for part of the year, the fluoride content of this hay shall be used as the forage fluoride content for as many months as it is fed to establish the yearly average. Computation of the yearly average shall take into consideration periods when cattle may have been grazed outside the area.

(3) Inasmuch as the standards set forth in paragraph (1) are intended to protect livestock, all forage samples analyzed to determine compliance with such standards shall be representative of forage actually consumed by livestock in the area. Also, in determining compliance in particular cases, consideration shall

be given to the supplemental food of the livestock involved.

(b) The following standards shall apply to the ambient air:

(1) As gaseous fluoride calculated as HF, by volume
4.5 ppb for 12 consecutive hours
3.5 ppb for 24 consecutive hours
2.0 ppb for 1 calendar week
1.0 ppb for 1 calendar month

(2) Inasmuch as the standards set forth in paragraph (1) are intended to protect vegetation, the ambient air analyzed to determine compliance with such standards shall be that existing in the area of the vegetation to be protected.

(c) Forage or air quality levels higher than those specified in paragraphs (a) and (b) shall be permitted to exist in an area where unavoidable due to local conditions and where such higher levels do not or will not be expected to result in significant adverse effects. Similarly, levels lower than those specified in paragraphs (a) and (b) shall be maintained in particular cases where significant adverse effects have occurred or can be expected to occur at the specified levels.

(d) The sampling and analytical techniques, including the number and location of sampling sites, used in determining forage and air quality levels shall be those established by the Authority.

(51.13) SECTION 501 OUTDOOR FIRES - GENERAL

501.1 The following outdoor fires are allowed without a written permit from this Authority:

501.11 Fires for pleasure, religious, ceremonial, cooking or like social purposes, or from incense burners and insect pots. Fires from flares, torches and waste gas burners except as used by any plant source subject to Section 460 of these Regulations.

501.12 Fires for which permits have been obtained from the Department of Natural Resources and declared to be for the protection of life and property and/or in the public welfare relating to the following activities: abating a forest fire hazard; prevention of a fire hazard; ininstruction of public officials in methods of forest fire fighting; and any silvicultural operation to improve the forest lands of the State in accordance with RCW 70.94.660 and 70.94.670.

501.2 It shall be unlawful for any person to cause or allow any outdoor fire:

501.21 During any stage of an air pollution episode as defined in RCW 70.94.710 through 730; or on any day designated by the Control Officer as a "no burn day".

501.22 Containing prohibited materials, including, but not limited to rubber products, asphaltic products, tires, crackcase oil, petroleum wastes, plastics, garbage, dead animals or other like material.

501.23 That emits dense smoke or creates offensive odors or creates a nuisance when burned except for the abatement of a fire hazard when so declared by a governmental agency having a jurisdiction over such fire.

501.24 For salvage of any material or reclamation of materials.

501.25 In violation of any applicable law, rule or regulation of any governmental agency having jurisdiction over such fire.

501.3 It shall be unlawful to cause or allow any of the following outdoor fires without written permit from the Control Officer and/or other governmental agency having jurisdiction over such fires.

501.31 Land clearing by burning may be done only under the following conditions:

501.311 Burning to be conducted during daylight hours only. Fires burning at sunset are to have no fuel added and the fire not disturbed thereafter.

501.312 Burning will be conducted at least 100 yards away from any inhabited structure located on property adjacent to the property upon which the burning is conducted.

501.313 Burning in such a manner as to prevent any smoke and/or particulate matter from being emitted that is or is likely to restrict visibility on a public road or airport landing strip.

501.32 Fires for instructions in the method of fighting fires or testing of fire resistant materials, or testing fire protective fire equipment.

501.33 A fire authorized for the prevention of a fire hazard provided no alternate means of prevention is reasonably available.

501.34 A fire for the disposal of combustible rubbish provided no alternate means of disposal is reasonably available.

501.35 Fires related to agricultural activities for weed abatement, disease and insect control or the development of physiological conditions conducive to increase crop yield.

501.4 Residential burning is allowed without written permit from this Authority under the following conditions:

501.41 One small outdoor fire at a time and each pile is extinguished before another is ignited;

501.42 Fires are started only between the hours of 10:00 A.M. and sunset;

501.43 There is a person in attendance at the site of the fire at all times and the fire is extinguished before leaving it.

501.5 It shall be prima facie evidence that the person who owns or controls property on which an outdoor fire occurs has caused or allowed said outdoor fire.

REGULATION I

OF THE

PUGET SOUND

AIR POLLUTION CONTROL AGENCY

ARTICLE 1

(1.0) (2.0) POLICY, SHORT TITLE AND DEFINITIONS

(2.0) SECTION 1.01 POLICY

The Puget Sound Air Pollution Control Agency, consisting of the counties of Pierce, King, Snohomish and Kitsap, having been activated by the Washington Clean Air Act, RCW 70.94, adopts the following Regulation to control the emission of air contaminants from all sources within the jurisdiction of the Agency; to provide for the uniform administration and enforcement of this Regulation; and to carry out the requirements and purposes of the Washington Clean Air Act.

It is hereby declared to be the public policy of the Puget Sound Air Pollution Control Agency to secure and maintain such levels of air quality as will protect human health and safety and, to the greatest degree practicable, prevent injury to plant and animal life and to property, foster the comfort and convenience of its inhabitants, seek public participation in policy planning and implementation.

Appendix B-2 (7/18/72)

(2.0) SECTION 1.03 NAME OF AGENCY

The name of the multicounty Air Pollution Control Agency comprised of the activated or inactivated air pollution control authorities of King County, Pierce County, Snohomish County and such other counties whose air pollution control authorities' may now or later merge with this multicounty authority shall be known and cited as the "Puget Sound Air Pollution Control Agency."

(2.0) SECTION 1.05 SHORT TITLE

This Regulation may be known and cited as "Regulation 1 of the Puget Sound Air Pollution Control Agency."

(1.0) SECTION 1.07 GENERAL DEFINITIONS

When used in Regulation I of the Puget Sound Air Pollution Control Agency:

(a) "Agricultural operation" means the growing of crops, the raising of fowl, animals or bees as a gainful occupation.

(b) "Air contaminant" means dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substance, or any combination thereof.

(c) "Air pollution" is the presence in the outdoor atmosphere of one or more air contaminants in sufficient quantities and of such characteristics and duration as is, or is likely to be, injurious to human health, plant or animal life, or property, or which unreasonably interferes with enjoyment of life and property.

(d) "Alteration" means any addition to or enlargement or replacement of, or any major modification or change of the design, capacity, process or arrangement, or any increase in the connected loading of, equipment or control apparatus which will significantly affect the kind or amount of air contaminant emitted.

(e) "Ambient air" means that portion of the atmosphere, external to buildings, to which the general public has access.

(f) "Authority" and/or "Agency" means the Puget Sound Air Pollution Control Agency.

(g) "Board" means the Board of Directors of the Puget Sound Air Pollution Control Agency.

(h) "Control apparatus" means any device which prevents or controls the emission of any air contaminant.

(i) "Control Officer" means the Air Pollution Control Officer of the Puget Sound Air Pollution Control Agency.

(j) "Emission" means a release into the outdoor atmosphere of air contaminants.

(k) "Equipment" means any stationary or portable device or any part thereof capable of causing the emission of any air contaminant into the atmosphere.

(l) "Equipment used in a manufacturing process" means equipment, as defined in Subsection 1.07 (k) in which some air contaminant emitted is caused by a manufacturing process.

(m) "Excess Air" means the quantity of air which exceeds the theoretical quantity of air required for complete combustion.

(n) "Fire Chief" means a County Fire Marshal; City Fire Chief; Chief of each County Fire Protection District or his authorized representative; or authorized forestry officials from the Washington State Department of Natural Resources.

(o) "Fuel burning equipment" means equipment, as defined in Subsection 1.07 (k) other than internal combustion engines and marine installations, the principal purpose of which is the production of hot air, hot water or steam.

(p) "Incinerator" means a furnace for the destruction of waste.

(q) "Installation" means the placement, assemblage or construction of equipment or control apparatus at the premises where the equipment or control apparatus will be used, and includes all preparatory work at such premises.

(r) "Marine installation" means equipment, as defined in Subsection 1.07 (k) installed on a vessel or on any device which floats in the water.

(s) "Motor vehicle" means equipment, as defined in Subsection 107 (k), propelled by an internal combustion engine in or upon which a person or material may be transported on the ground.

(t) "Multiple chamber incinerator" means any incinerator consisting of three or more refractory-lined combustion chambers in series, physically separated by refractory walls, interconnected by gas passage ports or ducts and employing adequate design parameters necessary for maximum combustion of the material to be burned.

(u) "Outdoor fire" means the combustion of material in the open or in a container with no provision for control of such combustion or the control of the emissions of the combustion products.

(v) "Owner" includes the person who leases, supervises or operates the equipment or control apparatus.

(w) "Particulate matter" means any material, except water in an uncombined form, that is or has been airborne and exists as a liquid or a solid at standard conditions.

(x) "Process weight" means total weight of the materials consumed or charged in any specific process including solid fuels charged, but excluding liquid and gaseous fuels, and combustion air.

(y) "Process weight per hour" means process weight divided by number of hours from the beginning of any specific process to the completion of the process, excluding any time during which the equipment used in the process is idle.

(z) "Person" means and includes any individual, firm, public or private corporation, association, partnership, political subdivision, municipality or governmental agency.

(aa) "Portable equipment" means equipment, as defined in Subsection 1.07 (k) designed to be transported from place to place for temporary operation.

(bb) "Refuse burning equipment" means equipment as defined in Subsection 1.07 (k), designed to burn waste material, scrap, or combustible remains.

(cc) "Regulation" means any regulation or any subsequently adopted additions or amendments thereto of the Puget Sound Air Pollution Control Agency.

(dd) "Standard cubic foot of gas" means that amount of the gas which would occupy a cube having dimensions of one foot on each side, if the gas were free of water vapor and at standard conditions.

(ee) "Power boiler" means fuel burning equipment used to produce steam or vapor at a pressure exceeding 15 lbs. per square inch gauge.

(ff) "State Act" means the "Washington Clean Air Act".

(gg) "Travel asphalt plant" means any asphalt plant specifically designed by a manufacturer as a travel asphalt plant and customarily used in the industry to locate near the job site.

(hh) "ppm" means part per million parts by volume.

(ii) "Primary Air Mass Station" or "PAMS" means a type of station designed to measure contamination in an air mass and representing a relatively broad area. The sampling site shall be representative of the general area concerned and not be contaminated by any special source. The probe inlet shall be a minimum of twenty feet and a maximum of one hundred fifty feet above ground level. Actual elevation should vary to prevent adverse exposure conditions caused by surrounding buildings and terrain. The probe inlet shall be placed approximately twenty feet above the supporting rooftop.

(jj) "PGLMS" means a station designed to provide information on contaminant concentrations near the ground and provide data valid for the immediate area only. "The probe inlet shall be ten to twenty feet above ground level with a desired optimum height of twelve feet.) The probe inlet shall not be less than two feet from any building or wall. The sampling site shall be representative of the immediate area and not be contaminated by any unique source.

(kk) "Special Station" or "SS" means any station that does not meet the criteria or purpose of a Primary Air Mass Station or a Primary Ground Level Monitoring Station.

(ll) "Standard conditions" means 70 degrees Fahrenheit and 29.92 in. Hg."

(mm) "Residential burning" means small outdoor fires consisting of leaves, clippings, prunings, and wood, so long as it has not been treated by an application of prohibitive material or substances, and other yard and gardening refuse originating on lands immediately adjacent and in close proximity to a human dwelling and burned on such lands by the property owner or his disignee.

(nn) "Land clearing burning" means outdoor fires consisting of residue of a natural character such as trees, stumps, shrubbery or other natural vegetation arising from land clearing projects and burned on the lands on which the material originated.

(oo) "Small outdoor fire" means a fire in a pile no more than four (4) feet in diameter and three (3) feet in height.

ARTICLE 3

(2.0) GENERAL PROVISIONS

(16.0) SECTION 3.01 DUTIES AND POWERS OF THE BOARD

(a) Pursuant to the provisions of the "Washington Clean Air Act", the Board may take such reasonable action as may be necessary to prevent air pollution which may include control or measurement of the emission of air contaminant from a source. The Board shall appoint a Control Officer competent in the field of air pollution control who shall observe and and enforce the provisions of this Regulation and all orders, ordinances, resolutions, or rules and regulations of this Authority pertaining to the control and prevention of air pollution. The Board shall establish such procedures and take such action as may be required to implement Section 1.01 of this Regulation consistent with the State Act and other applicable laws.

(b) The Board shall require that the Control Officer maintain appropriate records and prepare periodic reports.

(9.0) SECTION 3.03 INVESTIGATIONS AND STUDIES BY THE CONTROL OFFICER

The Control Officer and/or his qualified agents may make any reasonable investigation or study which is necessary for the purpose of enforcing this Regulation or any amendment thereto or controlling or reducing the amount or kind of air contaminant.

(9.0) SECTION 3.05 INVESTIGATION BY CONTROL OFFICER

(a) For the purpose of investigating conditions specific to the control, recovery or release of air contaminants into the atmosphere, the Control Officer or his duly authorized representatives shall have the power to enter at reasonable times upon any private or public property, with the permission of the owner or his duly authorized representative.

(b) If an authorized employee of the Authority during the course of an inspection desires to obtain a sample of air contaminant, fuel, process material or other material which affects or may affect the emission of air contaminants, he shall notify the owner or lessee of the time and place of obtaining a sample so the owner or lessee has the opportunity to take a similar sample at the same time and place and the authorized employee of the Authority shall give a receipt to the owner or lessee for the sample obtained.

(14.0) SECTION 3.07 CONFIDENTIAL INFORMATION

Whenever any records or other information furnished to or obtained by the Authority, pursuant to any sections in Chapter 70.94 RCW, relate to processes or production unique to the owner or operator, or are likely to affect adversely the competitive position of such owner or operator if released to the public or to a competitor, and the owner or operator of such processes or production so certifies, such records or information shall be only for the confidential use of the Authority.

(15.0) SECTION 3.09 VIOLATIONS - NOTICE

Whenever the Board or the Control Officer has reason to believe that any provisions of this Regulation relating to the control or prevention of air pollution has been violated, the Board or Control Officer may cause written notice to be served upon the alleged violator or violators. The notice shall specify the provisions of this Regulation alleged to be violated, and the facts alleged to constitute a violation thereof, and may include an order that necessary corrective action be taken within a reasonable time. In lieu of an order, the Board or the Control Officer may require that the alleged violator or violators appear before the Hearings Board as provided for in Chapter 43.21B RCW for a hearing pursuant to the provisions of Chapter 34.04 RCW as now or hereafter amended, or in addition to or in place of an order or hearing, the Hearings Board created in Chapter 43.21B RCW may initiate action pursuant to RCW 70.94.425, 70.94.430, and 70.94.435.

(16.0) SECTION 3.11 ORDERS AND HEARINGS

Any order issued by the Board or by the Control Officer shall become final unless such order is appealed to the Hearings Board as provided in Chapter 43.21B RCW.

(16.0) SECTION 3.12 APPEALS FROM BOARD ORDERS

Any order issued by the Board after a hearing shall become final unless no later than thirty days after the issuance of such order a notice of appeal is filed with the Hearings Board as provided in Chapter 43.21B RCW.

(2.0) SECTION 3.13 STATUS OF ORDERS ON APPEAL

(a) Any order of the Control Officer or the Board shall be stayed pending final determination of any hearing or appeal taken in accordance with the provisions herein, unless after notice and hearing, the superior court shall determine that an emergency exists which is of such nature as to require that such order be in effect during the pendency of such hearing or appeal.

(b) Nothing in this Regulation shall prevent the Control Officer or Board from making efforts to obtain voluntary compliance through warning, conference or any other appropriate means.

(2.0) SECTION 3.15 INTERFERING WITH OR OBSTRUCTING AGENCY PERSONNEL

No person shall willfully interfere with or obstruct the Control Officer or any Agency employee in carrying out any lawful duty.

(2.0) SECTION 3.17 FALSE AND MISLEADING ORAL STATMENTS: UNLAWFUL REPRODUCTION OR ALTERATION OF DOCUMENTS

(a) No person shall willfully make a false or misleading oral statement to the Board as to any matter within the jurisdiction of the Board.

(b) No person shall reproduce or alter or cause to be reproduced or altered any order, registration certificate, or other paper issued by the Agency if the purpose of such reporduction or alteration is to evade or violate any provision of this Regulation or any other law.

(2.0) SECTION 3.19 DISPLAY OF ORDERS, CERTIFICATES AND OTHER NOTICES: REMOVAL OR MUTILATION PROHIBITED

(a) Any order, or registration certificate required to be obtained by this Regulation, shall be available on the premises designated on the order or certificate.

(b) In the event that the Agency requires a notice to be displayed, it shall be posted. No person shall mutilate, obstruct or remove any notice unless authorized to do so by the Board.

(2.0) SECTION 3.21 SERVICE OF NOTICE

(a) Service of any written notice required by this Regulation shall be made on the owner or lessee of equipment, or his agent, as follows:

(1) Either by mailing the notice in a prepaid envelope directed to the owner or lessee of the equipment, or his agent, at the address listed on his application or order or registration certificate or at the address where the equipment is located, by United States Certified Mail, return receipt requested; or

(2) By leaving the notice with the owner or lessee of the equipment, or his agent, or if the owner or lessee is not an individual, with a member of the partnership or other group concerned, or with an officer or managing agent of the corporation.

(b) Service of any written notice required by this Regulation shall be made on the Agency as follows:

(1) Either by mailing the notice in a prepaid envelope directed to the Agency at its office by United States Certified Mail, return receipt requested; or

(2) By leaving the notice at the Agency office with an employee of the Agency.

(2.0) SECTION 3.23 SEPARABILITY

If a provision of this Regulation is declared unconstitutional, or the application thereof to any person or circumstance is held invalid, the constitutionality or validity of every other provision of this Regulation shall not be affected thereby.

(15.0) SECTION 3.25 PENALTY

(a) Any person who violates any provision of this Regulation shall be guilty of a gross misdemeanor and upon conviction thereof shall be punished by a fine of not less than One Hundred Dollars nor more than One Thousand Dollars, or by imprisonment for a term of not more than one year or by both fine and imprisonment for each separate violation. Each day upon which such violation occurs shall constitute a separate violation.

(b) The Control Officer shall be empowered by the Board to sign official complaints or issue citations or initiate court suits or use other legal means to enforce the provisions of this Regulation.

(15.0) SECTION 3.27 ADDITIONAL ENFORCEMENT

Notwithstanding the existence or use of any other remedy, whenever any person has engaged in, or is about to engage in, any acts or practices which constitute or will constitute a violation of any provision of this Regulation, or any rule, regulation or order issued by the Board or the Control Officer or his authorized agent, the Board, after notice to such person and an opportunity to comply, may petition the superior court of the county wherein the violation is alleged to be occurring or to have occurred, for a restraining order or a temporary or permanent injuction or another appropriate order.

(15.0) SECTION 3.29 CIVIL PENALTY

In addition to or as an alternate to any other penalty provided for herein or by law, any person who violates any of the provisions of this regulation shall incur a penalty in the form of a fine in an amount not to exceed two hundred fifty dollars per day for each violation. Each sum violation shall be a separate and distinct offense, and, in case of a continuing violation, each day's continuance shall be a separate and distinct violation.

Each act of commission or omission which procures, aids or abets in the violation shall be considered a violation under the provisions of this section and subject to the same penalty. The penalty shall become due and payable when the person incurring the same receives a notice in writing from the Control Officer or his representative of the authority, describing the violation with reasonable particularity and advising such person that the penalty is due unless a request is made for a hearing to the Hearings Board. The hearing shall be conducted pursuant to the provisions of Chapter 43.21B RCW. If the amount of such penalty is not paid to the Board within thirty(30) days after receipt of notice imposing the same, and a request for a hearing has not been made, the attorney for the Agency shall bring action to recover such penalty in the Superior Court of the County in which the violation occurred. All penalties recovered under this section shall be put into the treasury of the Agency and credited to its funds.

To secure the penalty incurred under this section, the Agency shall have a lien on any vessel used or operated in violation of this regulation which shall be enforced as provided by RCW 60.36.050.

(3.0) SECTION 5.03 REGISTRATION REQUIRED

All air contaminant sources within the jurisdiction of the Authority shall be registered with the Authority, except any of the air contaminant sources which are listed in Exhibit "A," which is made a part hereof as now constituted or hereafter amended.

(3.0) SECTION 5.05 GENERAL REQUIREMENTS FOR REGISTRATION

(a) Registration of an installation shall be made by the owner or lessee of the source, or his agent, on forms furnished by the Agency. The owner of the source shall be responsible for registration and the correctness of the information submitted.

(b) A separate registration shall be required for each source of contaminant; provided that, an owner has the option to register a process with a detailed inventory of contaminant sources and emissions related to said process; provided further that, an owner need not make a separate registration for identical units of equipment or control apparatus installed, altered or operated in an identical manner on the same premises.

(c) Each registration shall be signed by the owner or lessee, or the agent for such owner or lessee.

EXHIBIT "A"

LIST OF EXCLUSIONS ADOPTED BY THE BOARD AND ATTACHED AS ADDENDUM

(1) Air conditioning or ventilating systems not designed to remove contaminant generated by or released from equipment.

(2) Atmosphere generators used in connection with metal heat treating processes.

(3) Blast cleaning equipment which uses a suspension of abrasive in liquid water.

(4) Foundry sand mold forming equipment, unheated.

(5) Fuel burning equipment, other than smoke house generators, which:

  (i) Is used solely for a private dwelling serving less than five families; or

  (ii) Has a BTU input of not more than 1 million BTU per hour.

(6) Fumigation vaults.

(7) Insecticide spray equipment, non-commercial.

(8) Internal combustion engines, including gas turbine and jet engines.

(9) Laboratory equipment used exclusively for chemical or physical analyses.

(10) Laundry driers, extractors or tumblers used exclusively for the removal of water from fabric.

(11) Routing, turning, carving, cutting and drilling equipment used for metal, wood, plastics, rubber, leather or ceramics.

(12) Portable equipment which is used within the jurisdiction of the Agency for less than 60 days.

(13) Sewing equpment.

(14) Surface coating by use of aqueous solution or suspension.

(15) Steam cleaning equipment used exclusively for that purpose.

(16) Storage tanks, reservoirs, or containers:

  (i) Of a capacity of 6,000 gallons or less used for organic solvents, diluents or thinners.

  (ii) Of a capacity of 40,000 gallons or less used for liquid fuels including gasoline, lubricating oil, tallow, vegetable oil, or wax emulsions.

(17) Vacuum cleaning systems used exclusively for industrial, commercial or residential housekeeping.

(18) Vacuum producing devices used in laboratory operations, and vacuum producing devices which do not remove or convey air contaminant from or to another source.

(19) Vents used exclusively for:

  (i) Sanitary or storm drainage systems; or

  (ii) Safety valves; or

  (iii) Storage tanks.

(20) Washing or drying equipment used for products fabricated from metal or glass, if no volatile organic material is used in the process.

(21) Water cooling towers and cooling ponds, except for barometric condensers.

(22) Welding, brazing or soldering equipment.

(23) Marine installations not within the jurisdiction of the Agency for longer than 60 days per year.

(24) Asphalt laying equipment.

(2.0) SECTION 6.03 NOTICE OF CONSTRUCTION - WHEN REQUIRED

(a) No person shall construct, install or establish a new air contaminant source, except those sources that are excluded in Exhibit "A" of Section 5.03 of this Regulation unless a "Notice of Construction and Application for Approval," on forms prepared and furnished by the Authority, has been filed and approved by the Authority in accordance with Sections 6.07 (a), 6.07 (e), or 6.11. For purposes of this Article, alterations shall be construed as construction, installation or establishment of a new air contaminant source.

(b) A Notice of Construction and Application for Approval shall not be required to commence an alteration of equipment or control apparatus in the event of breakdown or if delaying the alteration may endanger life or have other serious consequences. The Authority shall be notified in writing of the alteration on the first working day after the alteration is commenced and a Notice of Construction and Application for Approval shall be filed within fourteen (14) days after the day the alteration is commenced.

(c) A separate Notice and Application shall be submitted for each unit of equipment or control apparatus, unless identical units of equipment or control apparatus are to be installed, constructed or established in an identical manner on the same premises; provided that, the owner has the option to give notice and apply for approval of a process with a detailed inventory of contaminant sources and emissions related to said process.

(3.0) SECTION 6.05 INFORMATION REQUIRED FOR NOTICE OF CONSTRUCTION AND APPLICATION FOR APPROVAL

(a) Each Notice of Construction and Application for Approval for the construction, installation or establishemnt of a new air contaminant source, as above described, shall be accompanied by two sets of plans which show and describe in detail the following:

(1) The equipment or control apparatus covered by the Notice and Application;

(2) Any equipment connected, attached to, or serving or served by the unit of equipment or control apparatus covered by the Notice and Application;

(3) A plat plan, including the distance and height of buildings within a reasonable distance from the place where the equipment is or will be installed;

(4) The proposed means for the prevention or control of the emissions of air contaminant;

(5) Any additional information, evidence or documentation required by the Board or the Control Officer to show that the proposed equipment or control apparatus will meet the emissions standards as now or hereinafter set by the Board.

(6) Each Notice of Construction and Application for Approval shall be signed by the applicant or owner, who may be required to submit evidence of his authority.

(2.0) SECTION 6.07 ISSUANCE OF APPROVAL OR ORDER

(a) Within thirty (30) days of receipt of Notice of Construction and Application for Approval, the Board or Control Officer shall issue an Approval of Construction, or in Order that the construction, installation or establishment of a new air contaminant source will not be in accord with the applicable emissions standards as are in effect at the time of filing the Notice of Construction and Application for Approval.

(b) No approval will be issued unless the information supplied as required by Subsection 6.05 (a) evidences to the Board or the Control Officer that:

(1) The equipment is designed and will be installed to operate without causing a violation of the emissions standards.

(2) The equipment incorporates advances in the art of air pollution control developed for the kind and amount of air contaminant emitted by the equipment;

(3) Equipment having a stack or duct 3 feet or more in diameter will be provided with:

(i) Sampling ports of a size, number and location as the Authority may require; and

(ii) Safe access to each port; and

(iii) Such other reasonable sampling and testing facilities as the Board or Control Officer may require;

(4) Fuel burning equipment and refuse burning equipment will achieve optimum combustion of the fuel or refuse material to be burned;

(5) All parts of the equipment can be readily cleaned or repaired.

(c) If the Board or Control Officer determines that the construction, installation or establishment of a new air contaminant source will not meet the emission standards, the Board or Control Officer shall, within thirty (30) days of the receipt of the Notice and Application, issue on Order for the prevention of the construction, installation or establishment of the air contaminant source or sources, and,

(1) The Order shall be in writing;

(2) The Order shall set forth the objections in detail with references to the emissions standards that will not be met by the proposed construction, installation or establishment;

(3) The Order shall be signed by the Control Officer or his authorized representative.

(d) Any Order issued pursuant to this section shall become final unless, no later than fifteen (15) days after the date the Order is served pursuant to Section 3.21 of this Regualtion, the owner or applicant petitions for a reconsideration of the Order, with reasons for the reconsideration.

(1) The Board or Control Officer shall consider the petition, and shall within thirty (30) days give written notice or disapproval of the petition setting forth the reasons for disapproval.

(2) If the petition of the owner or applicant be disapproved, the owner or applicant may petition the Hearings Board for a hearing within thirty (30) days of receipt of the notice of disapproval and proceed under the procedure as set forth in Section 3.11 and 3.12 of this Regulation.

(e) Failure to issue such an order or approval within the time prescribed herein shall be deemed a determination that the construction, installation or establishment may proceed, provided that it is in accordance with the plans, specifications, or other information, if any, required to be submitted. Such failure, however, shall not relieve any person from his obligation to comply with any emission control requirement, or with any other provision of law.

(2.0) SECTION 6.09 NOTICE OF COMPLETION - ORDER OF VIOLATION

(a) The owner or applicant shall notify the Board or Control Officer of the completion of construction, installation or establishment and the date upon which operation will commence. The Board or Control Officer shall, within thirty (30) days of receipt of notice of completion, inspect the construction, installation or establishment, and the Board or Control Officer may issue an Order of Violation if he finds that the construction, installation or establishment is not in accord with the plans, specifications or other information submitted to the Agency, and will be in violation of the emissions standards in existence at the date the order was issued.

(b) Upon receipt of an Order of Violation, the owner may appeal said order in accordance with the provisions and procedures in Section 3.11, 3.12, and 3.13 of this Regulation.

(b) The issuance of approval as provided by this Article and Section 6.07 shall not relieve the owner of the obligation to comply with the emission standards as adopted by this Agency, or prevent the Board or Control Officer from issuing such orders as provided by Section 3.09 of Article 3 of this Regulation.

(2.0) SECTION 6.11 CONDITIONAL APPROVAL

The owner or applicant may request a conditional approval for an experimental installation, construction or establishment and said approval may be issued by the Board or Control Officer if it appears to the Board or Control Officer, from all submittted information, that the installation, construction or establishment when completed will satisfy the emissions standards adopted by the Board.

ARTICLE 7

(5.0) VARIANCES

(5.0) SECTION 7.01 VARIANCES

(a) Any person who owns or is in control of any plant, building, structure, establishment, process or equipment including a group of persons who owns or controls like processes or like equipment may apply to the Board for a variance from rules or regulations governing the quality, nature, duration or extent of discharge of air contaminants. The application shall be accompanied by such information and data as the Board may require. The hearing held hereunder shall be conducted in accordance with the rules of evidence as set forth in RCW 34.04.100 as now or hereafter amended. The Board may grant such variance, but only after public hearing on due notice, if it finds that:

(1) The emissions occurring or proposed to occur do not endanger public health or safety; and

(2) Compliance with the rules or regulations from which variance is sought would produce serious hardship without equal or greater benefits to the public.

(b) No variance shall be granted pursuant to this section until the Board has considered the relative interests of the applicant, other owners of property likely to be affected by the discharges, and the general public.

(c) Any variance or renewal thereof shall be granted within the requirements of subsection (a) and for time periods and under conditions consistent with the reasons therefor, and within the following limitations:

(1) If the variance is granted on the ground that there is no practicable means known or available for the adequate prevention. abatement or control of the pollution involved, it shall be only until the necessary means for prevention, abatement or control become known and available, and subject to the taking of any substitute or alternate measures that the Board may prescribe.

(2) If the application for variance shows that there is no automobile fragmentizer within a reasonable distance of the wrecking yard for which the variance is sought, a variance will be granted for a period not to exceed three years for commercial burning of automobile hulks, subject to such conditions as the Board may impose as to climatic conditions and hours during which burning of such hulks may be carried out: PROVIDED, HOWEVER, that any variance granted hereunder shall be of no force and effect after July 1, 1970.

(3) If the variance is granted on the ground that compliance with the particular requirements or requirement from which variance is sought will require the taking of measures which, because of their extent or cost, must be spread over a considerable period of time, it shall be for a period not to exceed such reasonable time as, in the view of the Board is requisite for the taking of the necessary measures. A variance granted on the ground specified herein shall contain a timetable for the taking of action in an expeditious manner and shall be conditioned on adherence to such timetable.

(4) If the variance is granted on the grounds that it is justified to relieve or prevent hardship of a kind other than that provided for in item (1), (2), and (3) of this subparagraph, it shall be for not more than one year.

(d) Any variance granted pursuant to this section may be renewed on terms and conditions and for periods which would be appropriate on initial granting of a variance. If complaint is made to the Board on account of the variance, no renewal thereof shall be granted unless, following a public hearing on the complaint on due notice, the Board finds that renewal is justified. No renewal shall be granted except on application therefor. Any such application shall be made at least sixty days prior to the expiration of the variance. Immediately upon receipt of an application for renewal, the Board shall give public notice of such application in accordance with rules and regulations of the Board.

(e) A variance or renewal shall not be a right of the applicant or holder thereof but shall be at the discretion of the Board. However, any applicant adversely affected by the denial or the terms and conditions of the granting of an application for a variance or renewal of a variance by the Board may obtain judicial review thereof only under the provisions of Chapter 43.21B RCW.

(f) Nothing in this section and no variance or renewal granted pursuant hereto shall be construed to prevent or limit the application of the emergency provisions and procedures of RCW 70.94.415 of Washington Clean Air Act to any person or his property.

(51.13) SECTION 9.02 OUTDOOR FIRES

(a) Policy. It is the policy of the Puget Sound Air Pollution Control Agency to achieve and maintain high levels of air quality and to this end minimize to the greatest extent reasonably possible the burning of outdoor fires. Consistent with this policy, the Board of Directors does hereby declare that such fires should be allowed only on a limited basis under strict regulation and close control, such program to be implemented by a one-permit system. It is the further policy of the Board to encourage the fostering and development of an alternate technology or method of disposing of wastes which is reasonably economical and less harmful to the environment.

(b) It shall be unlawful for any person to cause or allow any outdoor fire:

(1) In an area where the Board has prohibited outdoor burning under Section 11.01; or

(2) During any stage of an air pollution episode as defined in RCW 70.94.710 through 70.94.730; or

(3) Containing garbage, dead animals, asphalt, petroleum products, paints, rubber products, plastics, or any substance other than natural vegetation which normally emits dense smoke or obnoxious odors; or

(4) For the purpose of demolition, salvage or reclamation of materials.

(5) In violation of any applicable law, rule or regulation of any governmental agency having jurisdiction over such fire.

(c) The following outdoor fires are exempt from subsections 9.02 (b) (I) and 9.02 (d):

  (1) Small outdoor fires for pleasure, religious ceremonial, cooking, or like social purposes;

  (2) Fires from torches, incense burners, insect pots, flares and smokeless waste gas burners;

  (3) Fires for abating a forest fire hazard, to prevent a fire hazard, for instruction of public officials in methods of forest fire fighting, and any silvicultural operation to improve forest lands where and when permitted by the State Department of Natural Resources under RCW 70.94.650 through RCW 70.94.700.

  (4) Fires for disease control, pest control, and weed abatement related to agricultural activities provided:

    (i) Prior written approval has been issued by the Control Officer or the Board; and

    (ii) Written confirmation has been furnished by a designated county extension agent or agricultural specialist designated by the Cooperative Extension Service that burning is recommended practice for the control or prevention of the disease, pest, or weed.

(d) It shall be unlawful for any person to cause or allow an outdoor fire except under the following conditions:

  (1) For residential burning of wood, so long as it has not been treated by an application of prohibitive material or substances, and of natural vegetation which are allowed at any time during the year, subject to the following conditions:

    (i) Fires are conducted only by the resident of a single family residence.

    (ii) Fires are started only between 10:00 a.m. and sunset;

    (iii) Only one pile is burned at a time and each pile is extinguished before another is lighted;

    (iv) No burning is conducted within fifty (50) feet of any structure.

(2) For land clearing burning:

(i) Burning is not conducted in an area with a general population density of 2,500 or more persons per square mile;

(ii) Burning is not conducted with 100 feet of any structure other than that located on the property on which the burning is conducted;

(iii) Burning is not conducted within the urbanized area as defined by the United States Bureau of the census unless the Agency has verified that the average population density on the land within 0.6 miles of the proposed burning site is 2,500 persons per square mile or less.

(3) For other burning:

(i) Prior written approval has been issued by the Control Officer or Board; and

(ii) Burning is conducted at such times and under such conditions as may be established by the Control Officer or Board.

(e) Nothing contained in this section shall alter or change requirements or provisions of RCW 70.94.650 through RCW 70.94.700, 70.94.710 through 76.94.730, and 76.04.150 through 76.04.170.

(f) Sections 9.03, 9.04, 9.05, 9.06, 9.09, 9.11 (a), 9.13, 9.15 and 9.16 of Regulation I do not apply to outdoor fires which are conducted in compliance with Section 9.02 of Regulation I..

(g) It shall be prima facie evidence that the person who owns or controls property on which an outdoor fire occurs has caused or allowed said outdoor fire.

(h) Any person, firm or corporation who violates any of the provisions and sections of this resolution shall be subject to any and all penalties or other remedies as provided for in Chapter 70.94 RCW and Regulation I.

(i) Nothing contained in Section 9.02 except during any stage of an air pollution episode as defined in RCW 70.94.710 through 70.94.730 shall prohibit fires for instruction in the method of fighting fires, testing resistant material, or testing fire protection equipment provided prior written approval has been issued by the Control Officer or

Board and such fires are conducted at such times and under such conditions as may be established by the Control Officer or Board.

(j) Nothing contained in Section 9.02 shall be construed to allow outdoor fires in those areas in which open burning is prohibited by laws, ordinances, or regulations of the State or any city, county, or fire district.

(k) Nothing contained in Section 9.02 shall relieve the applicant from obtaining permits required by any state or local fire protection agency.

(50.1.2) SECTION 9.03 EMISSION OF AIR CONTAMINANT: VISUAL STANDARD

(a) It shall be unlawful for any person to cause or allow the emission of any air contaminant for a period or periods aggregating more than three (3) minutes in any one hour, which is:

(1) Darker in shade than that designated as No. 2 (40% density) on the Ringelmann Chart, as published by the United States Bureau of Mines; or

(2) Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in Subsection 9.03 (a) (1); provided that, 9.03 (a) (2) shall not apply to fuel burning equipment utilizing wood residue when the particulate emission from such equipment is not greater than 0.05 grain per standard cubic foot.

(b) It shall be unlawful for any person to cause or allow the emission of any air contaminant from equipment installed subsequent to the effective date of this regulation for a period or periods aggregating more than three (3) minutes in any one hour, which is darker in shade than that designated as No. 1 (20% density) on the Ringelmann Chart, as published by the United States Bureau of Mines.

(c) The only exception to 9.03 (a) and 9.03 (b) shall be as follows:

(1) When the fuel burning equipment is a power boiler, and an emission occurs which is due to conditions beyond the control of the owner or operator, the emission may be darker than as designated as No. 2 (40% density) on the Ringelmann Chart for a period of not more than fifteen (15)minutes in any one hour; provided that the operator shall take immediate action to correct the condition.

(2) In the event of periodic shutdowns, or unavoidable failure or breakdown of any equipment or device or other circumstances beyond the control of any person owning or operating such equipment, including the necessary shutdowns of smoke abatement or dust collection equipment for purposes of maintenance or repair, which tends to produce unlawful emissions of smoke, particulate or other matter, provided that the owner or operator of such equipment or process shall immediately notify the Agency of such shutdown, failure, breakdown or other circumstances, together with the pertinent facts relating thereto and a statement of the date upon which the condition will be rectified and shall also report to the Control Officer when such defect has been removed and when such periodic shutdown is over.

(d) The density or opacity of an air contaminant shall be measured at the point of its emission, except when the point of emission cannot be readily observed, it may be measured at an observable point on the plume nearest the point of emission.

(e) This section shall not apply when the presence of uncombined water is the only reason for the failure of the emission to meet the requirements of this section.

(f) This section shall not apply to motor vehicles or aircraft.

(50.1) SECTION 9.04 PARTICULATE MATTER

It shall be unlawful for any person to cause or allow the discharge of particulate matter which becomes deposited upon the real property of others, except as follows:

(1) When such emissions are proved by such person to be in compliance with Section 9.09.

(2) Temporarily due to breakdown of equipment, provided that repairs are promptly made.

(3) During the time for compliance with this Regulation fixed by the Control Officer or the Board.

(51.9) SECTION 9.05 INCINERATOR BURNING

It shall be unlawful for any person to burn any combustible refuse in any incinerator within the boundaries of the Authority except in a multiple chamber incinerator as defined in Section 1.07 and provided with emission control apparatus, or in equipment found by the Control Officer in advance of such use to be equally effective for the purpose of air pollution control.

(51.9) SECTION 9.06 REFUSE BURNING EQUIPMENT: TIME RESTRICTION

(a) It shall be unlawful for any person to cause or permit the operation of refuse burning equipment at any time other than daylight hours of the same day, except with the approval of the Control Officer.

(b) Approval of the Control Officer for the operation of such equipment may be granted upon the submission of a written request stating:

1. The full name and address of the applicant; and
2. The location of the refuse burning equipment; and
3. A brief description of the refuse burning equipment and its control apparatus; and
4. Good cause for the issuance of such approval; and
5. The hours, other than daylight hours, during which the applicant seeks to operate the equipment; and
6. The length of time for which the exception is sought.

(50.2) SECTION 9.07 EMISSION OF SULFUR OXIDES

For the purpose of this Section, all sulfur present in gaseous compounds containing oxygen shall be deemed to be present as sulfur dioxide.

(a) It shall be unlawful for any person to cause or permit the emission of sulfur dioxide from any premises which will result in concentrations and frequencies at a primary air mass station, a primary ground level monitoring station, or a special station that exceed those shown in the following table:

TABLE 1

MAXIMUM ALLOWABLE SULFUR DIOXIDE CONCENTRATIONS

*Concentration	Averaging Time	Frequency of Occurrence
1.0 ppm	5 minutes	Once in any 8 consecutive hours
0.4 ppm	60 minutes	Never to be exceeded
0.25 ppm	60 minutes	Twice in any 7 consecutive days
0.10 ppm	24 hours	Never to be exceeded
0.04 ppm	30 days	Never to be exceeded
0.02 ppm	365 days	Never to be exceeded

*Parts per million by volume

Emission exceeding the limits established in this Subsection (a) shall not constitute a violation of Section 9.07, provided such emissions, from the emission point to the point of any such concentration, are on property controlled by the person responsible for such emissions.

(b) It shall be unlawful for any person to cause or permit the emission of air contaminant from equipment if the air contaminant emitted as measured in the flue contains sulfur dioxide in concentrations greater than 2,000 ppm.

Tests for determining compliance with Subsection 9.07 (b) shall be based on integrated samples collected over a period of not less than fifteen (15) consecutive minutes or ninety percent (90%) of the time of actual source operation, whichever is less.

(c) When the emission of sulfur dioxide exceeds forty (40) pounds per hour, then it shall be unlawful for any person to cause or permit equipment used in a manufacturing process to emit to the atmosphere more than 10 percent (10%) of the sulfur contained in the process weight per hour. Any person processing such sulfur-containing material shall, upon request, provide to the Agency such information and samples as may be required to determine compliance with this Section.

(d) It shall be unlawful for any person to burn, sell or make available for sale any fuel containing a weight percentage of sulfur in excess of that allowed by Subsection (2) and (3) hereof, or any fuel (which, after combustion in fuel) burning equipment or flue gas desulfurization, emits a concentration of sulfur dioxide as measured in the flue in excess of the limits set forth in Subsection (1) hereof:

(1) One-thousand ppm by volume (1,000 ppm) corrected to fifty per cent (50%) excess air.

(2) Distillate fuel classified as No. 1 domestic heating oil (ASTM Specification D-396-69) shall contain three-tenths percent (.3%) or less sulfur by weight.

(3) Distillate fuel classified as No. 2 domestic heating oil (ASTM Specification D-396-69) shall contain five-tenths percent (.5%) or less sulfur weight.

(e) (1) When used in Regulation 1:

(i) "a wholesale fuel facility" means any refinery, distribution terminal, or primary fuel handling facility which sells, makes available for sale, or distributes liquid or solid fuel on a wholesale basis for subsequent use in fuel burning equipment located in the jurisdiction of this Authority; and

(ii) "a wholesale fuel dealer" means the owner of a wholesale fuel facility.

(e) (2) Each wholesale fuel dealer shall report information to the Agency for each calendar month after the effective date of this section, as follows:

(i) the quantity, specification, seller, and percent sulfur by weight of fuel received at the wholesale fuel facility and the date of such receipt;

(ii) the method used in obtaining the sulfur content of such fuel;

(iii) other pertinent information as required by the Control Officer;

(iv) such reports to be submitted within fifteen (15) days of the end of the reporting month.

(50.1.1) SECTION 9.09 EMISSION OF PARTICULATE MATTER: WEIGHT RATE STANDARD

It shall be unlawful for any person to cause or allow the emission of particulate matter if the emission is in violation of Section 9.03 or if the particulate matter discharged into the atmosphere from any single source exceeds the following weights at the point of discharge:

(a) (1) In refuse burning equipment, 0.20 grain for each standard cubic foot of exhaust gas, adjusted to 50 percent excess air or calculated to 12 percent carbon dioxide (exclusive of carbon dioxide from auxiliary fuel).

(2) In refuse burning equipment installed subsequent to the effective date of this Regulation, 0.10 grain for each standard cubic foot of exhaust gas, adjusted to 50 percent excess air or calculated to 12 percent carbon dioxide (exclusive of carbon dioxide from auxiliary fuel).

(b) (1) In fuel burning equipment, 0.10 grain for each standard cubic foot of exhaust gas caluclated to 12 percent carbon dioxide.

(2) In fuel burning equipment installed subsequent to the effective date of this Regulation, 0.05 grain for each standard cubic foot of exhaust gas calculated to 12 percent carbon dioxide.

(3) In fuel burning equipment utilizing wood residue, 0.20 grain for each standard cubic foot of exhaust gas, adjusted to 50 percent excess air or calculated to 12 percent carbon dioxide.

(4) In fuel burning equipment utilizing wood residue, installed subsequent to the effective date of this Regulation, 0.10 grain for each standard cubic foot of exhaust gas, adjusted to 50 percent excess air or calculated to 12 percent carbon dioxide.

(c) In equipment used in a manufacturing process, the emission weight per hour shall not exceed the amounts set forth in TABLE II, provided further that no emission in exhaust gases shall exceed the amount set forth in Section 9.09 (d).

TABLE II

Process Weight (Lb./Hr.)	Maximun Allowable Particulate Emission (Lb./Hr.)
100	0.6
300	1.2
500	1.8
700	2.2
1,000	2.8
2,000	4.1
3,000	5.4
4,000	6.5
5,000	7.6
6,000	8.6
7,000	9.5
8,000	10.4
9,000	11.2
10,000	12.0
15,000	15.8
20,000	19.2
30,000	25.2
40,000	30.5
50,000	36.0
60,000	40.0
80,000	48.0

Process Weight (lb./Hr.)	Maximum Allowable Particulate Emission (Lb./Hr.)
100,000	55.0
140,000	65.0
180,000	73.0
220,000	78.0
260,000	83.0
300,000	85.0
400,000	92.0
800,000	109.0
1,000,000	114.0
2,000,000	127.0
4,000,000	138.0
6,000,000	143.0
8,000,000	147.0
10,000,000	150.0

Where the process weight per hour is between two listed figures, such process weight and maximum allowable particulate emission per hour shall be interpolated accordingly.

(d) (1) In equipment used in a manufacturing process, 0.10 grain for each standard cubic foot of exhaust gas.

(2) In equipment used in a manufacturing process and installed subsequent to the effective date of this Regulation, 0.05 grain for each standard cubic foot of exhaust gas.

(e) (1) In all stationary or travel asphalt plants, located within the boundaries of the Agency on March 13, 1968, 0.10 grain for each standard cubic foot of exhaust gas.

(2) For all stationary or travel asphalt plants, installed within the boundaries of the Agency after March 13, 1968, 0.05 grains for each standard cubic foot of exhaust gas; provided that travel asphalt plants within the boundaries of the Agency on March 13, 1968, moving anywhere within the boundaries of the Agency, 0.10 grain per each standard cubic foot of exhaust gas; provided further that any travel asphalt plant which was within the boundaries of the Agency on March 13, 1968, and subsequently moved outside the boundaries of the Agency, and then returned within the boundaries of the Agency, 0.05 grains for each standard cubic foot of exhaust gas.

(f) Procedures for source sampling performed in connection with the standards of the Regulation for particulates and gases shall be done using current Environmental Protection Agency requirements where applicable and available, otherwise by using procedures and definitions adopted by the Board after public hearing or such procedures mutually agreed upon by the Board or the Control Officer and the equipment owner. A copy of said procedures and definitions shall be kept on file in the office of the Authority for examination by interested persons.

(2.0) SECTION 9.11 EMISSION OF AIR CONTAMINANT OR WATER VAPOR: DETRIMENT TO PERSON OR PROPERTY

(a) It shall be unlawful for any person to cause or permit the emission of an air contaminant or water vapor, including an air contaminant whose emisssion is not otherwise prohibited by this Regulation, if the air contaminant or water vapor causes detriment to the health, safety or welfare of any person, or causes damage to property or business.

(b) Nothing in this Regulation shall be construed to impair any cause of action or legal remedy therefor of any person, or the public for injury or damages arising from the emission of any air contaminant in such place, manner or concentration as to constitute air pollution or a common law nuisance.

(50.6) SECTION 9.12 ODOR AND NUISANCE CONTROL MEASURES

(a) Effective control apparatus and measures shall be installed and operated to reduce odor-bearing gases or particulate matter emitted into the atmosphere to a reasonable minimum.

(b) The Board or Control Officer may establish reasonable requirements that the building or equipment be closed and ventilated in such a way that all the air, gases and particulate matter are effectively treated for removal or destruction of odorous matter or other air contaminants before emission to the atmosphere.

(2.0) SECTION 9.13 EMISSION OF AIR CONTAMINANT: CONCEALMENT AND MASKING RESTRICTED

(a) It shall be unlawful for any person to willfully cause or permit the installation or use of any device or use of any means which, without resulting in a reduction in the total amount of air contaminant emitted, conceals an emission of air contaminant which would otherwise violate Section 9.03 through 9.12 of this Article.

(b) It shall be unlawful for any person to cause or permit the installation or use of any device or use of any means designed to mask the emission of an air contaminant which causes detriment to health, safety or welfare of any person.

(50.1) SECTION 9.15 PREVENTING PARTICULATE MATTER FROM BECOMING AIRBORNE

(a) It shall be unlawful for any person to cause or permit particulate matter to be handled, transported or stored without taking reasonable precautions to prevent the particulate matter from becoming airborne.

(b) It shall be unlawful for any person to cause or permit a building or its appurtenances or a road to be constructd, altered, repaired or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne.

(c) It shall be unlawful for any person to cause or permit untreated open areas located within a private lot or roadway to be maintained without taking reasonable precautions to prevent particulate matter from becoming airborne.

(7.0) SECTION 9.16 REPORT OF BREAKDOWN

Emissions exceeding any of the limits established by this Regualtion as a direct result of unavoidable upset conditions or unavoidable and unforeseeable breakdown of equipment or control apparatus shall not be deemed in violation provided the following requirements are met:

(1) The upset or breakdown is immediately reported to the Agency.

(2) The person responsible shall upon the request of the Control Officer submit a full report including the known causes and the preventive measure to be taken to minimize or eliminate a re-occurrence.

(50.3) SECTION 9.17 EMISSION OF NITROGEN OXIDES

It shall be unlawful for any person engaged in the manufacture of nitric acid to emit nitrogen oxides, calculated as nitrogen dioxide, which exceed the following:

(a) 5.5 pounds per ton of 100 percent nitric acid produced; or

(b) A concentration of nitrogen oxides, as measured in the flue, of 400 ppm.

ARTICLE 11

(4.0)

AMBIENT AIR QUALITY STANDARDS AND CONTROL MEASURES REQUIRED

(2.0) SECTION 11.01 AIR QUALITY CONTROL MEASURES

In areas where all ambient air quality standards as set forth in Regulation I are being met, the objective of the Board is to require that the best available control technology be employed by all sources to minimize degradation of the air quality of the area. Ambient air quality standards are not to be construed to encourage degradation of existing ambient air quality. All definitions and sampling procedures shall conform to current Environmental Protection Agency requirements where applicable and availabe, otherwise by using procedures and definitions adopted by the Board after public hearing.

(a) When any of the air quality standards set forth in Regulation I are exceeded, the Control Officer or Board shall use all necessary ways and means to reduce such concentrations and to establish a time schedule so that these standards are met within the shortest reasonable time.

(b) When the Board has reason to believe that the air quality standards set forth in Regulation I may be exceeded in ar area, the Board shall use all ways and means necessary to assure that such standards are met.

(c) Ways and means shall include, but not be limited to, the following:

(1) The setting by the Board of specific emission standards, performance standards, or other source control measures more stringent than the minimum standards set forth in Article 9

of Regulation I;

(2) The application by the Board of source emission density limitations on existing and future sources of an area;

(3) The application of any or all other sections of Regulation I or powers of the Board to set time tables, enforce standards or otherwise obtain compliance with this section.

(4.1) SECTION 11.03 AMBIENT AIR QUALITY STANDARDS: SUSPENDED PARTICULATE

The suspended particulate concentration in the ambient air, averaged over any twenty-four (24) hour period, shall not exceed:

(1) 60 micrograms per cubic meter of air (60 $\mu g/m^3$) annual geometric mean.

(2) 100 micrograms per cubic meter of air (100 $\mu g/m^3$) for more than fifteen (15) per cent of the samples collected in any calendar month.

(3) 150 micrograms per cubic meter of air (150 $\mu g/m^3$) not to be exceeded more than once per year.

(4.1) SECTION 11.05 AIR QUALITY STANDARDS: PARTICLE FALLOUT

(a) The particle fallout rate measured at primary air mass station, ground level monitoring station, or special station shall not exceed:

(1) Ten grams per square meter per month (10 $g/m^2/mo$) in an industrial area; or

(2) Five grams per square meter per month (5 $g/m^2/mo$) in an industrial area if visual observations show a presence of wood waste and the volatile fraction of the sample exceeds seventy-percent (70%).

(3) Five grams per square meter per month (5 $g/m^2/mo$) in residential areas, commercial areas; or

(4) Three and one-half grams per square meter per month (3.5 $g/m^2/mo$) in residential and commercial areas if visual observations show the presence of wood waste and the volatile fraction of the sample exceeds seventy-percent (70%).

(b) Unless otherwise specifically indicated, all definitions, sampling procedures and other standards shall conform with Chapter 18-44-WAC, as now or hereafter amended, of the Washington State Department of Ecology.

(4.5) SECTION 11.06 AMBIENT AIR QUALITY STANDARDS FOR CARBON MONOXIDE

The carbon monoxide concentration measured in the ambient air shall not exceed:

(1) 10 milligrams per cubic meter of air (10 mg/m^3) or nine parts per million (9 ppm) maximum 8-hour concentration not to be exceeded more than once per year.

(2) 40 milligrams per cubic meter of air (40 mg/m^3) or thirty-five parts per million (35 ppm) maximum one-hour concentration not to be exceeded more than once per year.

(4.6) SECTION 11.07 AMBIENT AIR QUALITY STANDARDS: PHOTOCHEMICAL OXIDANTS

The photochemical oxidant concentration measured in the ambient air shall not exceed 160 micrograms per cubic meter of air (160 μg/m^3) or eight one-hundredths parts per million (0.08 ppm) maximum one-hour concentration not to be exceeded more than once per year.

(4.3) SECTION 11.08 AMBIENT AIR QUALITY STANDARDS: NITROGEN DIOXIDE

The nitrogen dioxide concentration measured in the ambient air shall not exceed 100 micrograms per cubic meter of air (100 μg/m^3) or five one hundredths parts per million (0.05 ppm) annual arithmetic mean.

(4.4) SECTION 11.09 AMBIENT AIR QUALITY STANDARDS: HYDROCARBONS

The hydrocarbon concentration measured in the ambient air shall not exceed 160 micrograms per cubic meter of air (160 μg/m^3) or twenty-four one hundredths parts per million (0.24 ppm) maximum 3-hour concentration not to be exceeded more than once per year.

ARTICLE 12

(10.0) STANDARDS OF PERFORMANCE

(13.0) SECTION 12.01 REPORTING AND MONITORING REQUIRED

As may be provided by law or regulation, the Board or Control Officer may require the owner or operator of any air contaminant source to install, use and maintain emission monitoring equipment; to sample emissions in accordance with methods prescribed by the Board or Control Officer; to establish and maintain records of emissions; and to make periodic emission reports.

REGULATION I

of the

DOUGLAS COUNTY AIR POLLUTION CONTROL COMMISSION

174a

ARTICLE V

(2.0) EMISSION STANDARDS AND PREVENTIVE MEASURES

(51.13) SECTION 5.01 OPEN FIRES

It shall be unlawful for any person to ignite, cause to be ignited, permit to be ignited, suffer,alllow or maintain any open fire within the jurisdiction of the Commission, except for the following:

(1) One small fire may be permitted on the premises of one and two family dwellings for the purpose of burning natural vegetation, wood waste, and waste paper accumulated on the premises unless such fires are restricted by the Commission, muncipality, county or other authorized agency.

(2) Fires set for religious ceremonies, recreational purposes and the cooking of food for human consumption, provided no nuisance is created.

(3) Fires from flares, torches and waste gas burners.

(4) A Fire Chief, Fire Marshal or head of a local fire district may authorize a fire for:

  (a) The disposal of dangerous materials, provided no alternative means of disposal is reasonably available.

  (b) The prevention of a fire hazard, provided no alternate means of prevention is reasonably available.

  (c) Instruction in the method of fighting fires or testing of fire-resistive materials and fire-protective equipment.

(5) After January 1, 1973, commercial open burning will be permitted within one mile of any incorporated town or city only after obtaining a permit from the Commission. After July 1, 1975, no commercial open burning shall be conducted in any area of the county unless a permit has been secured from the Commission. Permits will not be issued unless the applicant can demonstrate that practical alternate methods of disposal are not available and that good combustion practice shall be followed to minimize emissions. Burning conducted under the provision of Chapter 81-12-050 WAC (Department of Natural Resources - Smoke Management Plan) is exempt from this subsection.

(6) Fires consisting of residue of a natural character such as trees, stumps, shrubbery or other natural vegetation, arising from land clearing projects or agricultural pursuits for pest or disease control, shall be allowed within the jurisdiction of the Commission; provided that a burning permit is first obtained from the fire district having jurisdiction over the land on which the fire is to to located. In the case of land not under the jurisdiction of a local fire district permits may be obtained from the office of the Douglas County Auditor in Waterville or the Douglas County Air Pollution Control office in East Wenatchee.

(a) The Commission reserves the power to set time limits each year when burning for land clearing operations may be permitted.

(b) The Commission reserves the power to prohibit open burning in those areas having a general population density of one thousand (1,000) or more persons per square mile.

(7) The following material shall not be burned in any open fire: tires, asphaltic products, crankcase oil or petroleum wastes, plastics, garbage, dead animals or any material that normally emits black smoke or obnoxious odors except upon order of a duly authorized health officer or agricultural disease control officer, diseased animals and other infested material may be burned as required to prevent spreading of the infestation.

(8) If if becomes apparent at any time to the Control Officer that limitations need to be imposed to reduce smoke and prevent air pollution and/or protect property and the health safety and comfort of a persons from the effects of the burning, the Board, the Control Officer or his authorized agent shall notify the permittee and any limitation so imposed shall be treated as the conditions under which the permit is issued.

REGULATION I

GRANT COUNTY CLEAN AIR AUTHORITY

ARTICLE V

(2.0) EMISSION STANDARDS AND PREVENTIVE MEASURES

(51.13) SECTION 5.01 OPEN FIRES

It shall be unlawful for any person to ignite, cause to be ignited, permit to be ignited, suffer, allow or maintain any open fire within the jurisdiction of the Authority, except for the following:

(1) A small fire to last no more than 3 hours in a 24-hour period may be permitted on the premises of one and two family dwellings for the purposes of burning natural vegetation, wood waste, and waste paper accumulated on the premises unless such fires are restricted by the Authority, municipality, county or other authorized agency.

(2) Fires set for religious ceremonies, recreational purposes and the cooking of food for human consumption, provided no nuisance is created.

(3) Fires from flares, torches and waste gas burners.

(4) A Fire Chief, Fire Marshal or head of a local fire district, after notification of the Control Officer, may authorize a fire for:

(a) The disposal of dangerous materials, provided no alternate means of disposal is reasonably available.

(b) The prevention of a fire hazard, provided no alternate means of prevention is reasonably available.

(c) Instruction in the method of fighting fires or testing of fire-resistive materials and fire-protective equipment.

(5) Commercial open burning will be permitted within one mile of any incorporated town or city of Grant County or in any area disignated as a no-burn area only after obtaining a permit from the Authority. After July 1, 1975, no commercial open burning shall be conducted in any area of the county unless a permit has been secured from the Authority. Permits will not be issued unless the applicant can demonstrate that practical alternate methods of disposal are not available and that good combustion practice shall be followed to minimize emissions and/or effects of emissions. Burning conducted under the provisions of Chapter 18-12-050 WAC (Department of Natural Resources - Smoke Management Plan) is exempt from this subsection.

(6) No person may use open burning for the purpose of metal salvage operations without securing a permit from the Authority.

(7) The Authority may hold public hearings to establish and set boundaries for no-burn areas. Hearings for the establishment of no-burn areas shall be conducted upon receipt of a petition from 100 residents within the affected area of the county or an incorporated community or upon a request from the governing body of any town or of the county.

(8) All agricultural burning, including burning of weeds and cereal stubble shall be prohibited except as authorized by permit from the Authority; except this restriction shall not apply to fires of one acre or less set for the purpose of destroying obnoxious weeds or crop residue along fence rows, ditches, waterways and in cultivated fields; providing that such fires shall be subject to provisions of Section 5.01, subsection (11) and that burning procedures shall be used to insure good combustion and to minimize smoke and adverse effects on air quality and that such fires are used only to dispose of natural vegetation grown at the site or transported to the site by natural means.

Permits will be issued only:

(a) When burning is necessary to control disease or insect infestation, alternate measures are not available, and the county extension agent or other recognized agricultural expert so advises, or

(b) When suitable evidence is presented that no other practical means of disposal of the material to be burned is available, or

(c) For fire prevention when alternate methods of disposal are not available; and

(d) When weather conditions are deemed suitable by the Control Officer.

(9) The following material shall not be burned in any open fire: tires, asphaltic products, crankcase oil or petroleum wastes, plastics, garbage, dead animals or any material that normally emits black smoke or abnoxious odors unless prior authorization has been granted by the Authority. Upon order of a duly authorized health officer and when authorized by the Authority, deceased animals and other infected material may be burned as required to prevent spreading of the infection.

(10) If it becomes apparent at any time to the Control Officer that limitations need to be imposed to reduce smoke and prevent air pollution and/or protect property and the health, safety and comfort of persons from the effects of the burning, the Board, the Control Officer or his authorized agent shall notify the permittee and any limitation so imposed shall be treated as conditions under which the permit is issued.

(11) No open fires shall be ignited during any stage of an air pollution episode; and any person or entity responsible for an open fire shall immediately proceed to extinguish such fire when notified of the existence of an air pollution episode. At the forecast stage, fires shall be extinguished by withholding of any additional fuel to the fires. At the alert stage, fires must be extinguished as quickly as possible by whatever means are best suited to this end.

REGULATION 1

SOUTHWEST AIR POLLUTION CONTROL AUTHORITY

REGULATION 1

ARTICLE I

(1.0) (2.0) POLICY, SHORT TITLE AND DEFINITIONS

(2.0) SECTION 1.01 POLICY

(a) The Southwest Air Pollution Control Authority, consisting of the counties of Clark, Cowlitz, Lewis, Skamania, and Wahkiakum, having formed pursuant to RCW 70.94 as amended, adopts the following Regulation to control the emission of air contaminants from sources within the jurisdiction of the Authority; to provide for the uniform administration and enforcement of this Regulation; and to carry out the requirements and purposes of RCW 70.94 as amended.

(b) It is hereby declared to be the public policy of the Southwest Air Pollution Control Authority to maintain such a reasonable degree of purity of the air as will protect human health and safety and to the greatest degree practicable, prevent injury to plant and animal life or to property and be consistant with the economic and industrial wellbeing of the territory of the Authority.

(2.0) SECTION 1.02 NAME OF AUTHORITY

The name of the multicounty air pollution control authority comprised of the activated or inactivated air pollution control authorities of Clark County, Cowlitz County, Lewis County, Skamania County and Wahkiakum County shall be known as the "Southwest Air Pollution Control Authority".

(2.0) SECTION 1.03 SHORT TITLE

This regulation may be known and cited as "Regulation 1 of the Southwest Air Pollution Control Authority".

(1.0) SECTION 1.04 GENERAL DEFINITIONS:

When used in Regulation 1, of the Southwest Air Pollution Control Authority:

Agriculture Operation means the growing of crops, the raising of fowl, or animals, as a gainful occupation.

Air Contaminant means dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substance, or any combination thereof.

Air Pollution means the presence in the outdoor atmosphere of one or more air contaminants in sufficient quantities and of such characteristics and duration as is or is likely to be injurious to human health, plant or animal life or property, or which unreasonably interferes with enjoyment of life and property.

Ambient Air means the air that surrounds the earth excluding the general volume of gases contained within any building or structure.

Authority means the Southwest Air Pollution Control Authority.

Board means the Board of Directors of the Southwest Air Pollution Control Authority.

Combustion means the rapid exothermic reaction of any material with oxgen.

Combustible Refuse means any burnable waste material containing carbon in a free or combined state other than liquid or gases.

Emission means the act of passing into the ambient air, an air contaminant; or the material so passed to the ambient air.

Fire Department means fire control agency such as city fire departments, local fire districts or the Washington State Department of Natural Resources.

Flue means any duct or passage for air, gases or the like, such as a stack or chimney.

Garbage means refuse, animal or vegetable matter as from a kitchen, restaurant, or a store.

Incineration Operation means any operation in which burning of conbustible refuse is carried on for the principal purpose, or with the principal result, or oxidizing a waste material to reduce its bulk and or facilitate disposal.

Multi-Chamber Incinerator means any article, machine, contrivance, structure or part of a structure, used to dispose of combustible refuse by burning, consisting of three or more refractory lined combustion furnaces in series, physically separated by refractory walls, interconnected by gas passage ports or ducts and employing adequate design parameters necessary for maximum combustion of a material to be burned.

Open Fire means combustion of combustible material of any type outdoors, in the open, not in any enclosure, where the products of combustion are not directed through a flue.

Operation means any physical action resulting in the change in the location, form or physical properties of a material, or any chemical action resulting in a change in the chemical composition or chemical or physical properties of a material.

Particulate Matter means any material, except uncombined water; which exists in a finely divided form as a liquid or solid at standard ambient conditions.

Person means and includes any individual, firm, public or private corporation, association, partnership, political subdivision, municipality or governmental agency.

Salvage Operation means any operation where burning of combustible materials is carried on for the principle purpose of the removal of salvable noncombustible material for profit.

Standard Ambient Conditions means gas temperature at 70 degrees Fahrenheit and gas pressure at 29.92 inches of mercury.

Standard Cubic Foot of Gas means that amount of the gas which would occupy a cube having dimensions of one foot on each side, if the gas were free of water vapor and at a pressure of 14.7 P.S.I.A. and a temperature of 60 degrees F.

ARTICLE II

(2.0) GENERAL PROVISIONS

(15.0) SECTION 2.01 CONTROL OFFICER - POWERS AND DUTIES:

(a) The Control Officer shall observe and enforce the provisions of state law and all orders, ordinances, resolutions or rules and regulations of the Authority pertaining to control and prevention of air pollution in accordance with the policies of the Board of Directors. (Section 30, of Chapter 238 - RCW 70.94.170.)

(b) Whenever the Control Officer has reason to believe that any provision of state law or any regulation relating to the control or prevention of air pollution has been violated, he may cause written notice to be served upon the alleged violator or violators. The notice shall specify the provision of state law or the regulation alleged to be violated, and the facts alleged to constitute a violation thereof, and may include an order that necessary corrective action be taken within a reasonable time. In lieu of an order, the Control Officer may require that the alleged violator or violators appear before the Board for a hearing at a time and place specified in the notice given at least fifteen days prior to such hearing and answer the charges complained of. (Section 34 of Chapter 238 - RCW 70.94.211)

(c) In place of an order or hearing, the Control Officer may, after service of a notice of violation and expiration of a reasonable period of time without correction, request the prosecuting attorney in the county where the violation occurred to prosecute a criminal action against the violator. (Section 34 of Chapter 238 - RCW 70.94.211)

(d) The Control Officer may obtain from any person subject to the jurisdiction of the Authority such information or analysis as will disclose the nature, extent, quantity or degree of air contaminants which are or may be discharged by such source, and type or nature of control equipment in use, when such information or analysis is available or reasonably capable of being assembled.

(e) The Control Officer may engage, at the Authority's expense, qualified individuals or firms to make independent studies and reports as to the nature, extent, quantity, or degree of any air contaminants which are or may be discharged from any source.

(f) For the purpose of investigating conditions specific to the control, recovery or release of air contaminants into the atmosphere, the Control Officer or his duly authorized representative shall have the power to enter at reasonable times upon any private or public property, with the permission of the owner or his duly authorized representative, or without permission if in possession of a search warrant authorizing the search of the premises.

(g) If during the course of an inspection the Control Officer or his duly authorized representative desires to obtain a sample or air contaminant, fuel, process material or other material which affects or may affect the emission of air contaminants, he shall notify the owner or lessee of the time and place of obtaining a sample so the owner or lessee has the opportunity to take a similar sample at the same time and place and the Control Officer or his duly authorized representative shall give a receipt to the owner or lessee for the sample obtained.

(16.0) SECTION 2.02 ORDERS AND HEARINGS:

(a) Any Order issued by the Board or by the Control Officer, which is not preceeded by a hearing, shall become final unless, no later than twenty days after the date the Notice and Order are served, the person aggrieved by the Order petitions for a hearing before the Board. Upon receipt of the petition, the Board shall hold a hearing pursuant to Chapter 34.04 RCW as now or hereinafter amended.

(b) If, after a hearing held as a result of a petition to the Authority by a person aggrieved by an order, the Board finds that a violation has occurred or is occurring, it shall affirm or modify the order previously issued, or if the finding made is that no violation has occurred or is occurring, the order shall be rescinded. If, after a hearing held in lieu of an order, the Board finds that a violation has occurred or is occurring, it shall issue an appropriate order or orders for the prevention, abatement or control of the emissions involved or for the taking of such other corrective actions as may be appropriate. Any order issued as part of a notice or after hearing may prescribe the date or dates by which the violation or violations shall cease and may prescribe timetables for necessary action in preventing, abating, or controlling the emissions.

(c) Any hearing held under this section shall be conducted in accordance with the rules of evidence as set forth in RCW 34.04.100 as now or hereinafter amended.

(16.0) SECTION 2.04 STATUS OF ORDERS ON APPEALS:

(a) Any order of the Control Officer or the Board shall be stayed pending final determination of any hearing or appeal taken in accordance with the provisions herein, unless after notice and hearing, the superior court shall determine that an emergency exists which is of such nature as to require that such order be in effect during the pendency of such hearing or appeal.

(b) Nothing in this regulation shall prevent the Control Officer or Board from making efforts to obtain voluntary compliance through warning, conference or any other appropriate means.

(2.0) SECTION 2.05 SERVICE OF NOTICE

(a) Service of any written notice required by this regulation shall be made on the owner or lessee of equipment, or his agent, as follows:

(1) Either by mailing the notice in a prepaid envelope directed to the owner or lessee of the equipment, or his agent at the address listed on his application or order, or registration certificate or at the address where the equipment is located, by United States Certified Mail, return receipt requested; or

(2) By leaving the notice with the owner or lessee of the equipment, or his agent, or if the owner or lessee is not an individual, with a member of the partnership or other group concerned, or with an officer or managing agent of the corporation.

(b) Service of any written notice required by this regulation shall be made on the Authority as follows:

(1) Either by mailing the notice in a prepaid envelope direct to the Authority at its office by United States Certified Mail, return receipt requested; or

(2) By leaving the notice at the Authority Office with an employee of the Authority.

(2.0) SECTION 2.06 ADVISORY COUNCIL

The duties of the Advisory Council shall be to advise the Board of the proper type of general regulations and standards for adoption within the jurisdiction of the Authority.

All recommendations for the adoption or modification of regulations of general import or emission standards shall be submitted to the Advisory Council sufficiently in advance of any Board action on the recommendations in order that the Advisory Council might advise and consult with the Board on the recommendations.

(5.0) SECTION 2.07 VARIANCES

Any person who owns or is in control of any plant, building, structure, establishment, process or equipment including a group of persons who owns or controls like processes or like equipment may apply to the Board for a variance from the rules or regulations governing the quality, nature, or extent of discharges of air contaminants. The application shall be accompanied by such information and data as the Board may require. The hearing held hereunder shall be conducted in accordance with the rules of evidence as set forth in RCW 34.04.100 as now or hereinafter amended. The Board may grant such variance, but only after public hearing on due notice and in conformity with RCW 70.94.181 of the 1967 Washington Clean Air Act as amended.

(2.0) SECTION 2.08 SEVERABILITY

If any phrase, clause, subsection or section of this regulation shall be declared unconstitutional or invalid by any court of competent jurisdiction, it shall be conclusively presumed that the Board of Directors would have enacted this regulation without the phrase, clause, subsection or section so held unconstitutional or invalid and the remainder of the regulation shall not be affected as a result of said part being held unconstitutional or invalid.

(15.0) SECTION 2.09 PENALTY

Any person, firm, corporation, association or public agency who violates any provision of this regulation shall be guilty of a gross misdemeanor and upon conviction thereof shall be punished by a fine of not less than One Hundred Dollars nor more than One Thousand Dollars, or by imprisonment for a term of not more than one year or by a fine and imprisonment for each separate violation. Each day upon which such violation occurs shall constitute a separate violation.

(15.0) SECTION 2.10 CIVIL PENALTY

In addition to or as an alternate to any other penalty provided herein or by law, any person who violates any of the provisions of this regulation shall incur a penalty in the form of a fine in an amount not to exceed Two Hundred Fifty Dollars per day for each violation. Each such violation shall be a separate and distinct offense, and in case of a continuing violation, each day's continuance shall be a separate and distinct violation.

Each act of commission or ommission which procures, aids or abets in the violation shall be considered a violation under the provisions of this section and subject to the same penalty. The penalty shall become due and payable when the person incurring the same receives a Notice in writing from the Control Officer or his representative of the Authority describing the violation with reasonable particularity and advising such person that the penalty is due unless a request is made for a hearing to the Board. The hearing shall be conducted pursuant to the provisions of Chapter 34.04 RCW. If the amount is not paid to the Board within fifteen days after receipt of notice imposing the same, and a request for a hearing has not been made, the attorney for the Authority shall bring action to recover such penalty in the Superior Court of the County in which the violation occurred. All penalties recovered under this section shall be put into the treasury of the Authority and credited to its funds.

To secure the penalty incurred under this section, the Authority shall have a lien on any vessel used or operated in violation of this regulation which shall be enforced as provided by RCW 60.36.050.

ARTICLE III

(2.0) NOTICES OF CONSTRUCTION AND ORDERS OF APPROVAL

(2.0) SECTION 3.01 NOTICE OF CONSTRUCTION - WHEN REQUIRED:

(a) No person shall construct, install or establish a new air contaminant source, except those sources excluded in Section 4.08, of this regulation, without first filing with the Authority a "Notice of Construction and Application for Approval", on forms prepared and furnished by the Authority; provided that, for the purposes of this Article alterations which will have significant effect on the emission of air contaminants, shall be construed as construction or installation or establishement of a new contaminant source.

(b) A Notice of Construction and Application for Approval shall not be required to commence an alteration of equipment or control apparatus in the event of breakdown or if delaying the alteration may endanger life or have other serious consequences. The Authority shall be notified in writing of the alteration on the first working day after the alteration is commenced and a Notice of Construction and Application for Approval shall be filed within fourteen (14) days after the day the alteration is commenced.

(c) A separate Notice and Application shall be submitted for each unit of equipment or control apparatus, unless identical units of equipment or control apparatus are to be installed, constructed or established in an identical manner on the same premises; provided that, the owner has the option to give notice and apply for approval of a process with detailed inventory of contaminant sources and emission related to said process.

(3.0) SECTION 3.02 INFORMATION REQUIRED FOR NOTICE OF CONSTRUCTION AND APPLICATION FOR APPROVAL:

(a) Each Notice of Construction and Application for Approval for the construction, installation or establishment of a new air contaminant source, as above described, shall be accompanied by two sets of plans which show and describe the following:

(1) The equipment or control apparatus covered by the Notice and Application;

(2) Any equipment connected, attached to, or serving or served by the unit of equipment or control apparatus covered by the Notice and Application;

(3) A plot plan, including the distance and height of buildings within a reasonable distance from the place where the equipment is or will be installed;

(4) The proposed means for the prevention or control of the emissions of air contaminant, including sufficient information to judge the effectiveness of the control system.

(5) Additional information, evidence or documentation may be required by the Board or the Control Officer to show that the proposed equipment or control apparatus will meet the emission standards as now or hereinafter set by the Board.

(6) Each Notice of Construction and Application for Approval shall be signed by the applicant or owner, who may be required to submit evidence of his authority.

(2.0) SECTION 3.03 ISSUANCE OF APPROVAL OR ORDER:

(a) Within thirty (30) days of receipt of Notice of Constuction and Application for Approval, the Board or Control Officer shall issue an Approval of Constuction, or an Order that the construction, installation or establishment of a new air contaminant source will not be in accord with the applicable emissions standards as are in effect at the time of filing the Notice of Construction and Application for Approval.

(b) No approval will be issued unless the information supplied as required by Subsection 3.02 (a) evidences to the Board or the Control Officer that:

(1) The equipment is designed and will be installed to operate without causing a violation of the emission standards.

(2) The equipment incorporates advances in the art of air pollution control developed for the kind and amount of air contaminant emitted by the equipment.

(3) Equipment having a stack or duct 3 feet or more in diameter will be provided with:

(i) Sampling ports of a size, number and location as the Authority may require; and

(ii) Safe access to each port; and

(iii) Such other reasonable sampling and testing facilities as the

Board or Control Officer may require.

(4) Fuel burning equipment and refuse burning equipment will achieve optimum combustion of the fuel or refuse material to be burned.

(5) All parts of the equipment can be readily cleaned or repaired.

(c) If the Board or Control Officer determines that the construction, installation or establishment of a new air contaminant source will meet the emission standards, the Board or Control Officer shall, within thirty (30) days of the receipt of the Notice and Application, issue an Order for the prevention of the construction, installation or establishment of the air contaminant source or sources, and,

(1) The Order shall be in writing;

(2) The Order shall set forth the objections in detail with references to the emission standards that will not be met by the proposed construction, installation or establishment;

(3) The Order shall be signed by the Control Officer or his authorized representative.

(d) Any Order issued pursuant to this seciton shall become final unless, no later than fifteen (15) days after the date the Order is served pursuant to Section 2.05, of this regulation, the owner or applicant petitions for a reconsideration of the Order, with reasons for the reconsideration.

(1) The Board or Control Officer shall consider the petition, and shall within thirty (30) days give written notice of disapproval of the petition setting forth the reasons for disapproval.

(2) If the petition of the owner or applicant be disapproved, the owner or applicant may petition the Board for a hearing within fifteen (15) days of receipt of the notice of disapproval and proceed under the procedure as set forth in Section 2.02 and 2.03 of this regulation.

(e) Failure to issue such an order or approval within the time prescribed herein shall be deemed a determination that the construction, installation or establishment may proceed,provided that it is in accordance with the plans, specifications or other information, if any, required to be submitted. Such failure, however, shall not relieve any person from his obligation to comply with any emission control requirement, or with any other provision of law.

(2.0) (15.0) SECTION 3.04 NOTICE OF COMPLETION - ORDER OF VIOLATION:

(a) The owner or applicant shall notify the Board or Control Officer of the completion of construction, installation or establishment and the date upon which operation will commence. The Board or Control Officer shall, within thirty (30) days of receipt of notice of completion, inspect the construction, installation or establishment, and the Board or Control Officer may issue an Order of Violation if he finds that the construction, installation or establishment is not in accord with the plans, specifications or other information submitted to the Authority, and will be in violation of the emission standards in existence at the date the order was issued.

(b) Upon receipt of an Order of Violation, the owner may appeal said order in accordance with the provisions and procedures in Section 2.02, 2.03 and 2.04 of this regulation.

(c) The issuance of approval as provided by this Article and Section 3.03 shall not relieve the owner of the obligation to comply with the emission standards as adopted by this Authority, or prevent the Board or Control Officer from issuing such orders as provided by Section 2.01, of Article 2, of this regulation.

(2.0) SECTION 3.05 CONDITIONAL APPROVAL:

The owner or applicant may request a conditional approval for an experimental installation, construction or establishment and said approval may be issued by the Board or Control Officer if it appears to the Board or Control Officer, from all submitted information, that the installation, construction or establishment when completed will satisfy the emission standards adopted by the Board.

(2.0) SECTION 3.06 WAIVER OF APPROVAL PRIOR TO CONSTRUCTION:

(a) In the event that requirement for approval prior to construction will create an undue hardship to the applicant, the applicant may request of the Board a waiver to proceed with construction. The application for a waiver shall explain the circumstances which will cause such undue hardship.

(b) If a waiver is granted, the applicant shall submit a report and/or plans and specifications for approval as soon as is reasonably practical.

(c) The applicant, after a waiver is granted, proceeds with construction at his own risk; and if after construction, modification, relocation or installation has begun or been completed, the report and/or plans and specifications do not meet the Board's approval, the alterations required to effect such approval shall be made within a reasonable time as specified by the Board.

ARTICLE IV

(2.0)

EMISSIONS PROHIBITED

(51.13) SECTION 4.01 OPEN FIRES:

No person shall ignite, cause to be ignited, permit to be ignited, or suffer, allow, or maintain any open fire within the jurisdiction of the Authority, except as provided in this Regulation.

(a) The following fires are excepted from provisions of this regulation:

(1) Fires set only for recreational purposes and cooking of food for human consumption, provided no nuisance is created.

(2) Any fire specifically exempt under Section 42, of Chapter 238, RCW 70.94.250.

(b) Open burning may be done under permit:

(1) Application for burning permits shall be on forms provided by the local fire department.

(2) No permit shall be issued unless the Control Officer is satisfied that:

(i) No practical alternate method is available for the disposal of the material to be burned.

(ii) No salvage operation by open burning will be conducted.

(iii) No garbage will be burned.

(iv) No dead animals will be disposed of by burning.

(v) No material containing asphalt, petroleum products, paints, rubber products, plastic or any substance which normally emits dense smoke or obnoxious odors will be burned.

(3) Any permit issued may be limited by the imposition of conditions to:

(i) Prevent air pollution.

(ii) Protect property and the health, safety and comfort from the effects of the burning.

(4) If it becomes apparent at any time to the Control Officer that limitations need to be imposed for any of the reasons stated in Subsection (3) above, the Control Officer, or his duly designated agent shall notify the permittee and any limitation so imposed shall be treated as conditions under which the permit is issued.

(c) Fires started in violation of this regulation shall be extinguished by the persons responsible for the same upon notice of the Control Officer or his duly designated agent. When the Control Officer has knowledge of adverse conditions for the dispersement of the by-products of combustion, an air pollution alert may be declared voiding all permits for open fires.

(d) It shall be (prima facia) evidence that the person who owns or controls property on which an open fire prohibited by this regulation, occurs has caused or allowed said open fire.

(50.1.2) SECTION 4.02 VISUAL EMISSIONS:

(a) No person shall allow, cause, let, permit, or suffer the emission, for more than three minutes in any hour, of a gas stream containing air contaminants which is:

(1) Darker in shade as that designated as No. 2 on the Ringelmann Chart as published by the United States Bureau of Mines or;

(2) Of such opacity as to obscure an observers view to a degree equal to or greater than smoke shade No. 2 described above.

(b) When the gas stream is an emission from a boiler using hogfuel, and an emission occurs which is due to conditions beyond the control of the operator, the emission may be darker than that designated as No. 2 but not as dark as that designated as No. 3 on the Ringelmann Chart for a period of not more than six minutes in any one hour; provided that the operator shall take immediate action to correct the situation.

(c) No person shall allow, cause, let, permit or suffer the emission, for more than three minutes in any one hour, of any air contaminant darker in shade as that designated as No. 1 on the Ringelmann Chart, from equipment other than boilers using hogfuel, installed subsequent to the effective date of this regulation. Such equipment shall not include air pollution control equipment or alterations and repairs to existing facilities.

(d) Where the presence of uncombined water is the only reason for the failure of an emission to meet the limitations of subsection (a) (2), that section shall not apply. The burden of proof which establishes this subsection (d) shall be upon the person seeking to come within its provisions.

(e) Subsections (a, b and c) shall not apply to any emission on the basis of any observation of an air contaminant observed while such contaminant is inside a bonafide building.

(f) The person taking the observation shall be a trained observer.

(g) No person shall allow, cause, let, permit or suffer the emission, of incandescent particles of such size and nature as to be visible individually as incandescent particles in sufficient number to cause annoyance to any other person. This subsection (g) shall only apply if such particles fall on real property other than that of the person responsible for the emission.

(h) Exceptions are as follows:

- (1) Temporarily due to breakdown of equipment, provided that repairs are promptly made.
- (2) During the time for compliance with this regulation fixed by the Control Officer or the Board.
  - (i) Subsections (a, b and c) of section 4.02 shall not apply to any emission containing 0.2 grains or less particulate matter per standard cubic foot of gas.

(51.9) SECTION 4.03 INCINERATOR BURNING:

No person shall allow any incineration operation within the Authority's jurisdiction except in a multi-chamber incinerator and provided with emission control apparatus, or in equipment found by the Control Officer, or his designated agent, in advance of such use to be equally effective for the purpose of air pollution control under this regulation.

(51.9) SECTION 4.04 INCINERATION HOURS:

(a) No person shall cause, allow, let, permit or suffer the operation of an incinerator at any time other than daylight hours of the same day, except with approval of the Control Officer.

(b) Approval of the Control Officer for the operation of such equipment may be granted upon the submission of a written request giving:

(1) The name and address of the applicant.

(2) The location of the incinerator.

(3) A description of the incinerator and its control apparatus.

(4) Good cause for issuance of such approval.

(5) The hours, other than daylight hours, during which the applicant seeks to operate the equipment.

(6) The length of time for which the exception is sought.

(50.6) SECTION 4.05 ODOR CONTROL MEASURES:

(a) Effective control apparatus and equipment shall be installed and operated to reduce odor-bearing gases or particulate matter emitted into the atmosphere to a reasonable minimum, so as not to create air pollution.

(b) The Board may establish reasonable requirements that the building or equipment be closed and ventilated in such a way that all the air, gases, and particulate matter are effectively treated for removal or destruction of odorous matter or other air contaminants before emission to the ambient air.

(50.1) SECTION 4.06 PREVENTING PARTICULATE MATTER FROM BECOMING AIRBORNE:

(a) No person shall cause, let, allow, permit or suffer particulate matter to be handled, transported, or stored without taking reasonable precautions to prevent air pollution.

(b) No person shall cause, let, allow, permit or suffer a building or its appurtenances or a road to be constructed, altered, repaired or demolished without taking reasonable precautions to prevent air pollution.

(c) No person shall cause, let, allow, permit, or suffer untreated open areas located within a lot or roadway to be maintained without taking reasonable precautions to prevent air pollution.

(7.0) SECTION 4.07 REPORT OF BREAKDOWN:

Emissions exceeding the limits set by this regulation as a direct result of unavoidable upset conditions or unavoidable and unforeseeable breakdown of equipment or control apparatus shall not be deemed in violation provided that:

(1) The upset or breakdown is reported to the Authority as soon as possible.

(2) The person responsible shall upon the request of the Control Officer make a full report outlining the known causes and the preventive measures to be taken to minimize or prevent a reoccurrence.

(2.0) SECTION 4.08 EXCEPTIONS:

The following equipment is excepted from this regulation:

(1) Vehicles used to transport passengers or freight.

(2) Fuel burning equipment used exclusively in connection with any structure which structure is designed for and used exclusively as a dwelling for not more than four families.

(3) Equipment used exclusively for space heating other than boilers.

(4) Internal combustion engines.

REGULATION 2

ARTICLE I

(1.0)
(2.0)

POLICY, SHORT TITLE AND DEFINITIONS

(2.0) SECTION 1.01 POLICY

(a) The Southwest Air Pollution Control Authority, consisting of the Countries of Clark, Cowlitz, Lewis, Skamania, and Wahkiakum, having formed pursuant to RCW 70.94 as amended, adopts the following Regulation to control emission of air contaminants from source within the jurisdiction of the Authority; to provide for the uniform administration and enforcement of this Regulation; and to carry out the requirements and purposes of RCW 70.94 as amended.

(b) It is hereby declared to be the public policy of the Southwest Air Pollution Control Authority to maintain such a reasonable degree of purity of the air as will protect human health and safety and to the greatest degree practicable, prevent injury to plant and animal life or to property and be consistent with the economic and industrial wellbeing of the territory of the Authority.

(2.0) SECTION 1.02 NAME OF AUTHORITY:

The name of the multicounty air pollution control authority comprised of the activated or inactivated air pollution control authorities of Clark County, Cowlitz County, Lewis County, Skamania County and Wahkiakum County shall be known as the "Southwest Air Pollution Control Authority".

(2.0) Section 1.03 SHORT TITLE:

This Regulation may be known and cited as "Regulation 2 of the Southwest Air Pollution Control Authority".

(1.0) SECTION 1.04 GENERAL DEFINITIONS:

When used in Regulation 2 of the Southwest Air Pollution Control Authority:

Air Contaminant means dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substance, or any combination thereof.

Air Pollution means the presence in the outdoor atmosphere of one or more air contaminants in sufficient quantities and of such characteristics and duration as is, or is likely to be, injurious to human health, plant, or animal life, or property; or which unreasonably interferes with enjoyment of life and property.

Ambient Air means the air that surrounds the earth excluding the general volume of gases contained within any building or structure.

Ambient Air Standard means an established concentration, exposure time and frequency of occurrence of a contaminant or multiple contaminants in the ambient air which shall not be exceeded.

Authority means the Southwest Air Pollution Control Authority.

Board means the Board of Directors of the Southwest Air Pollution Control Authority.

Control Apparatus means any equipment which has the primary function of regulation or controlling the emisssions from a process, fuel burning, or refuse burning equipment and thus reduces the formation of or the emission of air contaminants into the atmosphere, or both.

Emission means the act of passing into the ambient air, an air contaminant; or the material so passed.

Emission Standard means limitation on the release of a contaminant or multiple contaminants to the ambient air.

Fuel Burning Equipment means any equipment, device, or contrivance used for the burning of any fuel, and all appurtenances thereto, including ducts, breechings, control equipment, fuel feeding equipment, ash removal equipment, combustion controls, stacks, chimneys, etc., used for indirect heating in which the material being heated is not contacted by and adds no substances to the products of combustion.

Month means for reporting analyses of outdoor air on a monthly rate, calculated to a base of thirty days.

Odor means that property of a substance which allows its detection by the sense of smell.

Particle Fallout Rate means the amount of particulate matter by weight which settles out of the air per unit area in a given length of time.

Particulate Matter means any material, except uncombined water; which exists in a finely divided form as a liquid or solid at standard ambient conditions.

Persons means and includes any individual, firm, public or private corporation, association, partnership, political subdivision, municipality or governmental agency.

ppm means (Parts Per Million) parts of a contaminant per million parts of air by volume.

Primary Air Mass Station means a type of station designed to measure contamination in an air mass, to represent a relatively broad area.

Primary Ground Level Monitoring Station means stations designed to provide information on contaminant concentrations near the ground and provide data valid for the immediate area only.

Process Equipment means any equipment or device for changing, storing, or handling of any materials, and all appurtenances thereto, including ducts, stacks, etc.

Process Weight means total weight of the materials consumed or charged in any specific process including moisture content and solid fuels charged, but excluding liquid and gaseous fuels and combustion air.

Refuse Burning Equipment means any article, machine, contrivance, structure or part of a structure, used to dispose of combustible refuse by burning.

Sampling means a process consisting of the withdrawal or isolation of a fractional part of a whole. In air or gas analysis, the separation of a portion of stack emissions or an ambient atmosphere with or without the simultaneous isolation of selected components.

Standard Ambient Conditions means the gas temperature at 70 degrees Farenheit and gas pressure at 29.92 inches of mercury.

Standard Cubic Foot of Gas means that amount of the gas which would occupy a cube having dimensions of one foot on each side, if the gas were free of water vapor at a pressure of 14.7 P.S.I.A. and a temperature of 60^0 degrees F.

Suspended Particulates means those airborne particulates collected on 8" x 10" sheets of flash-fired glass fiber filter web of given porosity using a high-volume air sampler.

Volatile Matter means the gaseous constituent of a solid or a liquid, released at specific temperatures.

ARTICLE II

(2.0)
(15.0)

GENERAL PROVISIONS, SEVERABILITY AND PENALTY

(2.0) SECTION 2.01 GENERAL PROVISIONS:

The general provisions cited in Sections 2.01, 2.02, 2.03, 2.04, 2.05, 2.06 and 2.07 of Regulation 1 shall apply to Regulation 2.

(2.0) SECTION 2.02 SEVERABILITY:

If any phrase, clause, subsection or section of this Regulation shall be declared unconstitutional or invalid by any court of competent jurisdiction, it shall be conclusively presumed that the Board of Directors would have enacted this Regulation without the phrase, clause, subsection or section so held unconstitutional or invalid and the remainder of the Regulation shall not be affected as a result of said part being held unconstitutional or invalid.

(15.0) SECTION 2.03 PENALTY:

Any person, firm, corporation, association or public agency who violates any provision of this Regulation shall be guilty of a gross misdemeanor and upon conviction thereof shall be punished by a fine of not less than One Hundred Dollars nor more than One Thousand Dollars, or by imprisonment for a term of not more than one year or by fine and imprisonment for each separate violation. Each day upon which such violation occurs shall constitute a separate violation.

(15.0) SECTION 2.04 CIVIL PENALTY:

In addition to or as an alternate to any other penalty provided herein or by law, any person who violates any of the provisions of this Regulation shall incur a penalty in the form of a fine in an amount not to exceed Two Hundred Fifty Dollars per day for each violation. Each such violation shall be separate and distinct offense, and in case of a continuing violation, each day's continuance shall be a separate and distinct violation.

Each act of commission or omission which procures, aids or abets in the violation shall be considered a violation under the provisions of this section and subject to the same penalty. The penalty shall become due and payable when the person incurring the same receives a Notice in writing from the Control Officer or his representative of the Authority describing the violation with reasonable particularity and advising such person that the penalty is due unless a request is made for a hearing to the Board. The hearing shall be conducted pursuant to the provisions of Chapter 34.04 RCW. If the amount is not paid to the Board within fifteen days after receipt of Notice imposing the same, and a request for a hearing has not been made, the attorney for the Authority shall bring action to recover such penalty in the Superior Court of the county in which the violation occurred. All penalties recovered under this section shall be put into the treasury of the Authority and credited to its funds.

To secure the penalty incurred under this section, the Authority shall have a lien on any vessel used or operated in violation of this Regulation which shall be enforced as provided by RCW 60.36.050.

(14.0) SECTION 2.05 CONFIDENTIAL INFORMATION:

Whenever any records or other information furnished to or obtained by the Authority relate to processes or production unique to the owner or operator, or are likely to affect adversely the competitive position of such owner or operator if released to the public or to a competitor, and the owner or operator of such processes or production so certifies such records or information shall be only for the confidential use of the Authority. No member of the Board of Directors shall have access to any confidential information in which he may, in the opinion of the Board, have a conflict of interest.

(2.0) SECTION 2.06 EXCLUSION:

When a specific regulation controlling a particular type or class of air contaminant source has been adopted on a statewide basis by the Washington State Air Pollution Control Board, such source or sources shall be excluded from this Regulation.

ARTICLE III

(3.0)
REGISTRATION

(3.0) SECTION 3.01 REGISTRATION REQUIRED:

All air contaminant sources and related control apparatus within the jurisdiction of the Authority shall be registered with the Authority upon request.

(3.0) SECTION 3.02 GENERAL REQUIREMENTS FOR REGISTRATION:

(a) Registration of an air contaminant source and related control apparatus shall be made by the owner or lessee of the source, or his agent, on forms furnished by the Authority.

(b) A separate registration shall be required for each air contaminant source; provided that, an owner has the option to register a process with a detailed inventory of air contaminant sources and emissions related to the process; provided further that, an owner need not make a separate registration for identical units of equipment or control apparatus installed, altered, or operated in an identical manner on the same premises.

(c) Each registration shall be signed by the owner or lessee, or his agent. The owner of the source shall be responsible for the registration and the correctness of the information submitted.

(2.0) SECTION 3.03 AIR CONTAMINANT SOURCES EXCLUDED:

The following air contaminant sources are excluded from the requirements of Section 3.01:

(a) Internal combustion engines.

(b) Fuel burning equipment used exclusively in connection with any structure, which structure is designed for and used exclusively as a dwelling for not more than four families.

(c) Equipment used exclusively for space heating other than boilers.

(d) Vehicles used to transport passengers or freight.

ARTICLE IV

(4.0) AMBIENT AIR STANDARDS

(2.0) SECTION 4.01 INTRODUCTION:

Ambient air standards as established by the Authority shall be used in determining the effectiveness of the emission standards adopted in Article V of Regulation 2. When an ambient air standard is exceeded the Authority shall evaluate the related emission standard and make any needed changes in the emission standards.

(4.2) SECTION 4.02 SULFUR DIOXIDE:

Sulfur dioxide concentrations in the ambient air, measured at a primary ground level monitoring station, shall not exceed:

Concentration Parts Per Million By Volume	Averaging Time	Frequency of Occurrence
0.75 ppm	15 minutes	Once in any 8 hour period.
0.5 ppm	1 hour	Once in any 4 consecutive days.
0.1 ppm	24 hours	Once in any 30 consecutive days.
0.05 ppm	30 days	Unlimited.

(4.1) SECTION 4.03 PARTICULATE MATTER:

(a) Suspended particulate concentrations in the ambient air measured at a primary air mass station shall not exceed:

(1) Seventy micrograms per cubic meter for more than fifty percent (50%) of the samples taken in any calendar year.

(2) One hundred micrograms per cubic meter for more than fifteen percent (15%) of the samples in any calendar month.

(b) The particle fallout concentrations measured at any station shall not exceed:

(1) Ten grams per square meter per month in an industrial area provided that if visual observation shows a presence of wood waste and the volatile fraction of the sample exceeds seventy percent (70%) the level shall not exceed five grams per square meter per month.

(2) Five grams per square meter per month in residential and commercial areas provided that if visual observations show a presence of wood waste and the volatile fraction of the sample exceeds seventy percent (70%) the level shall not exceed three and one-half grams per square meter per month.

ARTICLE V

(50.0)

EMISSION STANDARDS

(50.2) SECTION 5.01 EMISSION OF SULFUR DIOXIDE:

(a) No person shall allow, cause, let, permit, or suffer the emission of an air contaminant from any source, except as provided in this Regulation, which contains, as measured in the stack, gaseous sulfur compounds containing oxygen, calculated as sulfur dioxide, of more than 1500 parts per million by volume.

Tests for determining compliance with Section 5.01 (a) shall be based on integrated samples collected over a period of not less than fifteen (15) consecutive minutes or ninty percent (90%) of the actual source operation, whichever is less.

(b) Emissions of gaseous compounds containing oxygen, calculated as sulfur dioxide, which exceed 1500 parts per million by volume shall not be in violation of this Regulation provided that:

(1) Such emissions shall not result in ambient concentrations exceeding the limits established by Section 4.02 of this Regulation.

(2) The person responsible for such emission shall notify the Authority in writing, prior to such emission, of his intent to operate under provisions of Subsection (b). Such notice shall include information as to the location of all significant emission points, the location of the primary ground level monitoring stations required by this Subsection (b), and a description of the operations related to each such emission.

(3) The person responsible for the emission shall establish at least three primary ground level monitoring stations in the area surrounding the source, equipped with continuous sulfur dioxide recorders and operated in a manner approved by the Board or Control Officer.

(4) The person responsible for the emissions shall provide to the Authority a summary of the data obtained at these stations during each calendar month. The summary shall be in such detail as will show the degree of compliance with Section 4.02 and the time, location, extent, and duration of any recorded concentration in excess of the provisions of Section 4.02.

Included in the summary must be a detailed report of instrument performance and maintenance. The report shall be submitted within the calendar month immediately succeeding the recording of the data.

(5) The person responsible for the emission shall keep for a period of at least one year all records gathered as a result of this Subsection (b) and shall make it available to the Authority at its request.

(6) Instrument records shall be examined at intervals no greater than every seven days to determine compliance with Section 4.02. Any recorded concentrations in excess of Section 4.02 shall be reported to the Authority within the next normal working day after such examination.

(7) Whenever the records indicate that concentrations in excess of Section 4.02 have occurred, the person responsible for the emission shall furnish such evidence that proper action has been taken to prevent recurrence, or a violation of Section 5.01 (b) will be deemed to have occurred and the source will be regulated by Section 5.01 (a). When instrument records are not adequate to show compliance with Section 4.02 the Authority may specify the Schedule to be followed for producing a satisfactory record history.

(c) In fuel burning equipment, emissions of gaseous sulfur compounds containing oxygen, calculated as sulfur dioxide, of more than 1500 parts per million but less than 2000 parts per million by volume shall not be in violation of this Regulation when required to use a secondary energy source.

(50.1) SECTION 5.02 EMISSION OF PARTICULATE MATTER:

No person shall discharge from any single source particulate matter which exceeds the following concentrations at the point of discharge:

(a) In fuel or refuse burning equipment 0.10 grain for each standard cubic foot of exhaust gas calculated to twelve percent (12%) carbon dioxide.

(b) In fuel burning equipment utilizing hog-fuel 0.20 grain for each standard cubic foot of exhaust gas calculated to twelve percent (12%) carbon dioxide.

(c) In fuel burning equipment utilizing natural gas as primary energy source, 0.30 grain for each standard cubic foot of exhaust gas calculated to twelve percent (12%) carbon dioxide when required to use a secondary energy source.

(d) In equipment used in a manufacturing process, 0.10 grain for each standard cubic foot of exhaust gas.

(e) In hot mix asphalt plants dust or condensed fumes in excess of 40 pounds per hour.

(f) The requirements of Section 5.02 shall be measured by the methods for dust reporting apparatus as in current use as outlined in the Code for dust separating apparatus of the American Society of Mechanical Engineers or in accordance with modified procedures mutually agreed upon by the equipment owner and the Authority. A copy of said Code shall be kept on file in the Office of the Authority.

(50.6) SECTION 5.03 EMISSION OF ODOROUS GASES:

(a) No person shall allow, cause, let, permit or suffer the emission of odorous gases from any source, except as provided in this Regulation, in such concentration as to cause a public nuisance or exceed:

(1) A scentometer No. 0 odor strength or equivalent dilution in residential and commercial areas.

(2) A scentometer No. 2 odor strength or equivalent dilution in all other land use areas.

SCENTOMETER READINGS

Scentometer No.	Concentration Range No. of Thresholds
0	>1 to <2
1	>2 to <8
2	>8 to <32
3	>32 to <128
4	>128

(b) A violation of Section 5.03 shall have occurred when two measurements made within a period of one hour, separated by at least 15 minutes, off the property surrounding the air contaminant source exceeds the limitations of Subsection (a).

(c) When the source is a manufacturing process no violation of Subsection (a) shall have occurred provided that the highest and best practicable treatment and control currently available shall be provided in order to maintain the lowest possible emission of odorous gases.

(50.7) SECTION 5.04 EMISSION OF FLUORIDES:

(a) No person shall cause, let, permit or suffer the emission of elemental or chemically combined fluorine which, when combined with emissions of other sources, cause the following standards to be exceeded.

1) In forage, the fluoride content calculated on a dry weight basis:

Concentration Fluoride ion (F^-) Parts Per Million	Frequency Of Occurrence
40 ppm F^-	Yearly average of monthly samples.
60 ppm F^-	No more than two consecutive monthly samples.
80 ppm F^-	No more than one month in two consecutive months.

(2) In the ambient air, gaseous fluoride calculated as hydrogen fluoride by volume:

Concentration Parts Per Billion	Frequency of Occurrence
4.5 ppb	Average for 12 consecutive hours.
3.5 ppb	Average for 24 consecutive hours.
2.0 ppb	Average for 7 consecutive days.
1.0 ppb	Average for 30 consecutive days.

(b) All sampling and analysis required by Section 5.04 shall be accomplished following the standard methods established by the Washington State Air Pollution Control Board. All sampling to measure compliance with Section 5.04 shall be conducted in areas and during time appropriate to protect vegetation and livestock away from the property controlled by the air contaminant source.

(2.0) SECTION 5.05 CONCEALMENT AND MASKING OF AIR CONTAMINANTS:

(a) No person shall willfully allow, cause, let, permit or suffer the installation or use of any device or use any other means, which without resulting in a reduction in the total amount of air contaminant emitted, conceals an omission of an air contaminant which would otherwise violate Section 5.01 through 5.04 of this Article, without written consent of the Control Officer.

(b) No person shall allow, cause, let, permit or suffer the installation or use of any device or use of any means designed to mask the emission of an air contaminant which causes detriment to health, safety or welfare of any person.

(6.0) SECTION 5.06 TIME FOR COMPLIANCE:

(a) Air contaminant sources, within the jurisdiction of the Authority, existing at the time of adoption of this Regulation shall have a reasonable time for compliance.

(b) A Schedule of Compliance shall be submitted to the Board for approval upon request such that the source will be under a Schedule of Compliance within 90 days of the date of request.

(c) The Schedule of Compliance shall include each of the following:

(1) Time for engineering.

(2) Time for procurement.

(3) Time for fabrication.

(4) Time for installation and adjustment.

(d) The Authority may require such periodic reports on each phase of progress toward compliance as may be necessary to show reasonable progress toward compliance. Failure at any phase to make reasonable progress toward completion of such installations as are required for final compliance shall be deemed an unreasonable delay in compliance. The Authority may require that the person responsible appear before the Board to explain the delay and show cause why abatement action should not be started.

(7.0) SECTION 5.07 REPORT OF BREAKDOWN:

Emissions exceeding the limits set by this Regulation as a direct result of unavoidable upset conditions or unavoidable and unforseeable breakdown of equipment of control apparatus shall not be deemed in violation provided that:

(a) The upset or breakdown is reported to the Authority as soon as possible.

(b) The person responsible shall upon the request of the Control Officer make a full report outlining the known causes and the preventive measures to be taken to minimize or prevent a recurrence.

(2.0) SECTION 5.08 BREACH OF AGREEMENT TO DISCONTINUE VIOLATION:

When the Board has accepted an assurance of discontinuance of any act or practice deemed in violation of this Regulation from any person engaging in, or who has engaged in, such act or practice, and such assurance did specify a time limit during which such discontinuance was to be accomplished; failure to perform the terms of such agreement shall constitute prima facie proof of a violation of this Regulation.

(2.0) SECTION 5.09 EXCEPTION:

When a specific regulation controlling emissions from a source or source category has been established within the Authority's jurisdictional area, those sources shall be excepted from compliance to Sections 5.01 through 5.08 of this Regulation.

REGULATION 1

OLYMPIC AIR POLLUTION CONTROL AUTHORITY

(1.0) ARTICLE 1

(2.0) POLICY, SHORT TITLE AND DEFINITIONS

(2.0) SECTION 1.01 POLICY

The Olympic Air Pollution Control Authority, consisting of the counties of Clallam, Grays Harbor, Jefferson, Mason, Pacific, and Thurston, having formed pursuant to Chapter 70.94 RCW, as amended, adopts the following Regulation to control the emission of air contaminants from sources within the jurisdiction of the Authority; to provide for the uniform administration and enforcement of this Regulation; and to administer the requirements and purposes of Chapter 70.94 RCW, as amended.

It is hereby declared to be the public policy of the Olympic Air Pollution Control Authority to secure and maintain such levels of air quality as will protect human health and safety; and, to the greatest degree practicable, prevent injury to plant and animal life and to property; and be consistent with the social, economic and industrial well-being of the territory of the Authority.

(2.0) SECTION 1.03 NAME OF AUTHORITY

The name of the multicounty air pollution control authority comprised of the activated or inactivated air pollution control authorities of Clallam County, Grays Harbor County, Jefferson County, Mason County, Pacific County, and Thurston County shall be known and cited as the "Olympic Air Pollution Control Authority."

(2.0) SECTION 1.05 SHORT TITLE

This Regulation may be known and cited as "Regulation 1 of the Olympic Air Pollution Control Authority."

(1.0) SECTION 1.07 DEFINITIONS

When used in regulations of the Olympic Air Pollution Control Authority, the following definitions shall apply:

Agricultural Operation means the growing of crops, the raising of fowl or animals as a gainful occupation.

Air Contaminant means dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substance, or any combination thereof.

Air Pollution means the presence in the outdoor atmosphere of one or more air contaminants in sufficient quantities and of such characteristics and duration as is, or is likely to be, injurious to human health, plant or animal life, property, or which unreasonably interferes with enjoyment of life and property.

Alteration means any addition to or enlargment or replacement; or any major modification or change of the design, capacity, process or arrangement; or any increase in the connected loading of equipment or control facility which will significantly increase or adversely affect the kind or amount of air contaminant emitted.

Authority means the Olympic Air Pollution Control Authority.

Board means the Board of Directors of the Olympic Air Pollution Control Authority.

Combustible Refuse means any burnable waste material containing carbon in a free or combined state other than liquid or gases.

Control Apparatus means any device which prevents or controls the emission of any air contaminant.

Control Officer means the Air Pollution Control Officer of the Olympic Air Pollution Control Authority.

Daylight Hours means the hours between official sunrise and official sunset.

Emission means a release into the outdoor atmosphere of air contaminants.

Emission Point means the location (place in horizontal plane and vertical elevation) at which an emission enters the atmosphere.

Equipment means any stationary or portable device, or any part thereof, capable of causing the emission of any air contaminant into the atmosphere.

Fire Chief means a County Fire Marshal, City Fire Chief, Chief of each County Fire Protection District or his authorized representative, or authorized forestry officials from the Washington State Department of Natural Resources.

Fuel Burning Equipment means any equipment, device or contrivance used for the burning of any fuel, and all appurtenances thereto, including ducts, breechings, control equipment, fuel feeding equipment, ash removal equipment, combustion controls, stacks, chimneys, etc., used for indirect heating in which the material being heated is not contacted by and adds no substances to the products of combustion.

Garbage means refuse, animal or vegetable matter as from a kitchen, restaurant or store.

Hog-Fuel means wood slabs, edgings, trimmings, etc., which have been put through a "hog" to reduce them to a uniform small size, and also includes shavings from planing mills, sawdust from saw-kerfs, bits of bark, chips and other small recovered products from the manufacture of wood products or any combination thereof.

Identical Units means units installed and operated in a similar manner on the same premises provided the materials handled, processed, or burned are substantially the same in composition and quantity and their design, mode of operation, connected devices and types and quantitites of discharge are substantially the same.

Incineration Operation means any operation in which burning of combustible refuse occurs for the principal purpose, or with the principal result, of oxidizing a waste material to reduce its bulk and/or facilitate disposal.

Incinerator means a furnace for the destruction of waste.

Multiple-Chamber Incinerator means any article, machine, contrivance, structure or part of a structure, used to dispose of combustible refuse by burning, consisting of three or more refractory-lined combustion furnaces in series, physically separated by refractory walls, interconnected by gas passage ports or ducts and employing adequate design parameters necessary for maximum combustion of a material to be burned.

Opacity means the degree to which an emission reduces the transmission of light and obscures the view of an object in the background.

Open Fire means a fire where any material is burned in the open or in a receptacle other than furnace, incinerator or kiln.

Owner means and includes the person who owns, leases, supervises or operates the equipment or control apparatus.

Particulate Matter means any liquid, other than water, or any solid which is so finely divided as to be capable of becoming windblown or being suspended in air or other gas or vapor.

Person means and includes any individual, firm, public or private corporation, association, partnership, politcal subdivision, municipality or governmental agency.

Refuse means waste as defined in Section 1.07 of this Regulation.

Refuse Burning Equipment means equipment designed to burn refuse, rubbish or waste material.

Regulation means any regulation, or any subsequently adopted additions or amendments thereto, of the Olympic Air Pollution Control Authority.

Ringelmann Smoke Chart means the Ringelmann Smoke Chart with instruction for use, as published by the United States Bureau of Mines. (Information Circular 8833).

Rubbish means waste as defined in Section 1.07 of this Regulation.

Salvage Operation means any operation conducted in whole or in part for the salvaging or reclaiming of any product.

Stack means duct, chimney, flue or conduit arranged for the emission into the outdoor atmosphere of air contaminants.

Standard Ambient Conditions means gas temperature at 60 degrees Fahrenheit and gas pressure at 29.92 inches of mercury.

Standard Cubic Foot of Gas means that amount of the gas which would occupy a cube having dimensions of one foot on each side, if the gas were free of water vapor and at a pressure of 14.7 P.S.I.A. and a temperature of 60 degrees F.

State Act means the Washington Clean Air Act, Chapter 70.94 RCW, as amended.

Waste means unproductive, worthless, useless or rejected material.

ARTICLE 3

(2.0) GENERAL PROVISIONS

(2.0) SECTION 3.01 CONTROL OFFICER - POWERS AND DUTIES

(a) The Control Officer shall observe and enforce the provisions of state law and all orders, ordinances, resolutions or rules and regulations of the Authority pertaining to control and prevention of air pollution in accordance with the policies of the Board of Directors.

(b) Whenever the Control Officer has reason to believe that any provision of state law or any regulation relating to the control or prevention of air pollution has been violated, he may cause written notice to be served upon the alleged violator or violators. The notice shall specify the provision of state law or the regulation alleged to be violated and the facts alleged to constitute a violation thereof and may include an order that necessary corrective action be taken within a specified time. In lieu of an order, the Control Officer may require that the alleged violator or violators appear before the Board for a hearing, at a time and place specified in the notice, given at least twenty (20) days prior to such hearing, and answer the charges.

(c) The Control Officer and/or his qualified agents may make any investigation or study which is necessary for the purpose of enforcing this Regulation or any amendment thereto or controlling or reducing the amount or kind of air contaminant.

(d) The Control Officer may obtain from any person subject to the jurisdiction of the Authority such information or analysis as will disclose the nature, extent, quantity or degree of air contaminants which are or may be discharged by such source and type or nature of control equipment in use.

(e) For the purpose of investigating conditions specific to the control, recovery or release of air contaminants into the atmosphere, the Control Officer or his duly authorized representative shall have the power to enter upon any private or public property, with the permission of the owner or his duly authorized representative.

(f) If during the course of an inspection, the Control Officer or his duly authorized representative desires to obtain a sample of air contaminant, fuel, process material or other material which affects or may affect the emission of air contaminants, he shall notify the owner or lessee of the time and place of obtaining a sample so the owner or lessee has the opportunity to take a similar sample at the same time and place; and the Control Officer or his duly authorized representative shall give a receipt to the owner or lessee for the sample obtained.

(g) The Control Officer may engage, at the Authority's expense and with Board approval, qualified individuals or firms to make independent studies and reports as to the nature, extent, quantity or degree of any air contaminants which are or may be discharged from any source.

(14.0) SECTION 3.03 CONFIDENTIAL INFORMATION

Whenever any records or other information furnished to or obtained by the Authority, pursuant to any sections in Chapter 70.94 RCW, relate to processes or production unique to the owner or operator or are likely to affect adversely the competitive position of such owner or operator if released to the public or to a competitor, and the owner or operator of such processes or production so certifies, such records or information shall be only for the confidential use of the Authority.

(2.0) SECTION 3.05 INTERFERENCE OR OBSTRUCTION

No person shall willfully interfere with or obstruct the Control Officer or any Authority employee in performing any lawful duty.

(2.0) SECTION 3.07 FALSE OR MISLEADING STATEMENTS

No person shall willfully make a false or misleading statement to the Board or its representative as to any matter within the jurisdiction of the Board.

(2.0) SECTION 3.09 UNLAWFUL REPRODUCTION OR ALTERATION OF DOCUMENTS

No person shall reproduce or alter or cause to be reproduced or altered any order, registration certificate or other paper issued by the Authority if the purpose of such reproduction or alteration is to evade or violate any provision of this Regulation or any other law.

(2.0) SECTION 3.11 DISPLAY OF ORDERS, CERTIFICATES AND OTHER NOTICES: REMOVAL OR MUTILATION PROHIBITED

(a) Any order or registration certificate required to be obtained by this

Regulation shall be available on the premises designated on the order or certificate.

(b) In the event that the Authority requires a notice to be displayed, it shall be posted. No person shall mutilate, obstruct or remove any notice unless authorized to do so by the Board or the Control Officer.

(16.0) SECTION 3.13 ORDERS AND HEARINGS

Repealed by Resolution No. 18, adopted by the Board of Directors on March 3, 1971.

(16.0) SECTION 3.15 APPOINTMENT OF HEARING OFFICER

(a) In all instances where the Board is permitted or required to hold hearings under the provisions of Chapter 70.94 RCW, such hearings shall be held before the Board; or the Board may appoint a hearing officer, who shall be an attorney admitted to practice in the state.

(b) A duly appointed hearing officer shall have all the powers, rights and duties of the Board relating to the conduct of hearings.

(c) At the conclusion of a hearing at which he has presided, the hearing officer shall prepare written findings of fact and conclusions of law and a recommended decision. Parties to the proceeding shall be notified of the proposed decision as provided in RCW 34.04.110 through 34.04.120, as now or hereafter amended.

(16.0) SECTION 3.17 APPEALS FROM BOARD ORDERS

Any order issued by the Board or the Control Officer, with or without a hearing, shall become final, unless, no later than thirty (30) days after the order or decision of the Pollution Control Authority or Control Officer was communicated to the appealing party, an appeal is taken to the Pollution Control Hearings Board of the State of Washington, pursuant to RCW 43.21B and WAC 371.08, as now or hereafter amended.

(2.0) SECTION 3.19 STATUS OF ORDERS ON APPEALS

(a) Any order of the Control Officer or the Board shall be stayed pending final determination of any hearing or appeal taken in accordance with the provisions herein unless, after notice and hearing, the superior court shall determine that an emergency exists which is of such nature as to require that such order be in effect during the pendancy of such hearing or appeal.

(b) Nothing in this Regulation shall prevent the Control Officer or Board from making efforts to obtain voluntary compliance through warning, conference or any other appropriate means.

(2.0) SECTION 3.21 SERVICE OF NOTICE

(a) Service of any written notice required by this Regulation shall be made on the owner or lessee of equipment, or his agent, as follows:

(1) Either by mailing the notice in a prepaid envelope directed to the owner or lessee of the equipment, or his agent, at the address listed on his application or order, or registration certificate or at the address where the equipment is located, by United States Certified Mail, return receipt requested; or

(2) By leaving the notice with the owner or lessee of the equipment, or his agent, or if the owner or lessee is not an individual, with a member of the partnership or other group concerned, or with an officer or managing agent of the corporation.

(b) Service of any written notice required by this Regulation shall be made on the Authority, as follows:

(1) Either by mailing the notice in a prepaid envelope direct to the Authority at its office by United States Certified Mail, return receipt requested; or

(2) By leaving the notice at the Authority office with an employee of the Authority.

(5.0) SECTION 3.23 VARIANCES

Any person who owns or is in control of any plant, building, structure, establishment, process or equipment may apply to the Control Officer or the Board for a variance to exceed a specific maximum emission standard of this Regulation for a limited period of time. The application shall be accompanied by such information and data as the Control Officer or Board may require. The Board may grant such variance but only after public hearing or due notice and in accordance with the provisions set forth in RCW 70.94.181, as now or hereafter amended. Any hearing held pursuant to this section shall be conducted in accordance with the rules of evidence as set forth in RCW 34.04.100, as now or hereafter amended.

(2.0) SECTION 3.25 SEVERABILITY

If any phrase, clause, subsection or section of this Regulation shall be declared unconstitutional or invalid by any court of competent jurisdiction, it shall be conclusively presumed that the Board of Directors would have enacted this Regulation without the phrase, clause, subsection or section so held unconstitutional or invalid; and the remainder of the Regulation shall not be affected as a result of said part being held unconstitutional or invalid.

(15.0) SECTION 3.27 PENALTY

(a) In addition to or as an alternate to any other penalty provided by law, any person who violates any of the provisions of the rules, regulations, resolutions or ordinances of the Authority shall incur a penalty in the form of a fine in an amount not to exceed two hundred fifty dollars per day for each violation. Each such violation shall be a separate and distinct offense; and, in case of a continuing violation, each day's continuance shall be a separate and distinct violation.

(b) Each act of commission or omission which procures, aids or abets in the violation shall be considered a violation under the provisions of this section and subject to the same penalty. The penalty shall become due and payable when the person incurring the same receives a notice in writing from the Control Officer of the Authority describing the violation with reasonable particularity and advising such person that the penalty is due unless an appeal is taken from the imposition of said penalty pursuant to Section 3.17 of this Regulation. If the amount of such penalty is not paid to the Board within thirty (30) days after receipt of notice imposing the same, and a request for a hearing has not been made, the attorney for the Authority shall bring an action to recover such penalty in the superior court of the county in which the violation occurred. All penalties recovered under this section by the Authority shall be paid into the treasury of the Authority and credited to its funds.

(c) To secure the penalty incurred under this section, the Authority shall have a lien on any marine vessel and any portable equipment used or operated in violation of this Regulation which shall be enforced as provided in RCW 60.36.050.

ARTICLE 5

(3.0)

REGISTRATION

(3.0) **SECTION 5.01** **REGISTRATION REQUIRED**

All air contaminant sources within the jurisdiction of the Authority except the sources listed in Exhibit A, which is attached hereto and made a part hereof, as now constituted or as hereafter amended, shall be registered with the Authority.

(3.0) **SECTION 5.03** **GENERAL REQUIREMENTS FOR REGISTRATION**

(a) Registration of an installation shall be made by the owner or lessee of the source, or his agent, within thirty (30) days of receipt of forms provided by the Authority. The owner of the source shall be responsible for registration and the accuracy of the information submitted.

(b) A separate registration shall be required for each source of contaminant: PROVIDED, that an owner has the option to register a process with a detailed inventory of contaminant sources and emissions related to said process: PROVIDED FURTHER, that an owner need not make a separate registration for identical units of equipment or control apparatus installed, altered or operated in an identical manner on the same premises.

(c) Each registration shall be signed by the owner or lessee or the agent for such owner or lessee.

EXHIBIT A

EXCLUSIONS ADOPTED BY THE BOARD AND ATTACHED AS ADDENDUM

(1) Air conditioning or ventilating systems not designed to remove contaminant generated by or released from equipment.

(2) Atmosphere generators used in connection with metal heat treating processes.

(3) Blast cleaning equipment which uses a suspension of abrasive in liquid water.

(4) Foundry sand mold forming equipment, unheated.

(5) Fuel burning equipment which:

(i) Is used solely for a private dwelling serving four familes or less; or

(ii) Has a BTU input of not more than 400,000 BTU per hour.

(6) Fumigation vaults.

(7) Insecticide spray equipment, non-commercial.

(8) Internal combustion engines, including gas turbine and jet engines.

(9) Laboratory equipment used exclusively for chemical or physical analyses.

(10) Laundry driers, extractors or tumblers used exclusively for the removal of water from fabric.

(11) Routing, turning, carving, cutting and drilling equipment used for metal, wood, plastics, rubber, leather or ceramics.

(12) Surface coating by use of aqueous solution or suspension.

(13) Steam cleaning equipment used exclusively for that purpose.

(14) Storage tanks, reservoirs or containers:

(i) Of a capacity of 6,000 gallons or less used for organic solvents, diluents or thinners.

(ii) Of a capacity of 40,000 gallons or less used for liquid fuels including gasoline, lubricating oil, tallow, vegetable oil or wax emulsions.

(15) Vacuum cleaning systems used exclusively for office or residential housekeeping.

(16) Vacuum producing devices used in laboratory operations and vacuum producing devices which do not remove or convey air contaminants from or to another source.

(17) Vents used exclusively for:

(i) Sanitary or storm drainage systems; or

(ii) Safety valves; or

(iii) Storage tanks.

(18) Washing or drying equipment used for products fabricated from metal or glass, if no volatile organic material is used in the process.

(19) Water cooling towers and cooling ponds except for barometric condensers.

(20) Welding, brazing or soldering equipment.

(21) Asphalt laying equipment.

ARTICLE 7

(3.0) NOTICE OF CONSTRUCTION AND APPLICATION FOR APPROVAL

(2.0) SECTION 7.01 NOTICE OF CONSTRUCTION

(a) No person shall construct, install or establish a new air contaminant source, except those sources listed in Exhibit A of Article 5 of this Regulation without first filing with the Authority a "Notice of Construction and Application for Approval," on forms prepared and provided by the Authority: PROVIDED, that for the purposes of this Article, addition to or enlargement or replacement of an air contaminant source, or any alteration thereto, shall be construed as construction, installation or establishment of a new air contaminant source.

(b) A Notice of Construction and Application for Approval shall not be required to begin an alteration of equipment or control apparatus if delaying the alteration may endanger life or the supplying of essential services. The Authority shall be notified in writing of the alteration on the first working day after the alteration is commenced, and a Notice of Construction and Application for Approval shall be filed within fourteen (14) days after the day the alteration is commenced.

(c) A separate Notice and Application shall be submitted for each unit of equipment or control apparatus, unless identical units of equipment or control apparatus are to be installed, constructed or established in an identical manner on the same premises: PROVIDED, that the owner has the option to give notice and apply for approval of a process with a detailed inventory of contaminant sources and emissions related to said process.

(d) Each Notice of Construction and Application for Approval shall be signed by the applicant or owner, who may be required to submit evidence of his authority.

(2.0) SECTION 7.03 ADDITIONAL INFORMATION - WHEN REQUIRED

(a) The Control Officer or the Board may require, as a condition precedent to the construction, installation or establishment of a new air contaminant source or sources, the submission of plans, drawings, data, specifications and such other information as is deemed necessary in order to determine whether the equipment or control apparatus is designed and will be installed to operate without causing a violation of any law or regulation of the Authority.

(b) After approval to construct, install or establish a new air contaminant source or control facility is granted, deviations from the approved plans, drawings, data and specifications are not permissible without first securing written approval for the changes from the Control Officer or his authorized representative.

(2.0) SECTION 7.05 ISSUANCE OF APPROVAL OR ORDER

(a) Within sixty (60) days of receipt of Notice of Construction and Application for Approval, the Board or Control Officer shall issue an Approval of Construction or an Order that the construction, installation or establishment of a new air contaminant source will not be in accord with the applicable emissions standards as are in effect at the time of filing the Notice of Construction and Application for Approval.

(b) No approval will be issued unless the information required by Section 7.03 evidences to the Control Officer or the Board that:

(1) The equipment or control apparatus is designed and will be installed to operate without causing a violation of any law or regulation of the Authority.

(2) Upon request of the Control Officer or Board, equipment or control apparatus having a stack three (3) feet or more in diameter is provided with:

(i) Sampling ports of a size, number and location as the Authority may require; and

(ii) Safe access to each port; and

(iii) Such other sampling and testing facilities as the Control Officer or Board may require.

(c) If the Board or Control Officer determines that the construction, installation or establishment of a new air contaminant source or sources will not comply with all laws or regualtions of the Authority, the Board or Control Officer shall within sixty (60) days of the receipt fo the Notice and Application issue an Order for the prevention of the construction, installation or establishment of the air contaminant source or sources; and

(1) The Order shall be in writing;

(2) The Order shall set forth the objections in detail with reference to the specific law or section or sections of the Regulation that will not be met by the proposed construction, installation or establishment;

(3) The Order shall be signed by the Control Officer or his authorized representative.

(d) Any Order issued pursuant to this section shall become final unless, no later than twenty (20) days after the date the Order is served pursuant to Section 3.21 of this Regulation, the owner or applicant petitions for a reconsideration of the Order, stating reasons for the reconsideration.

(1) The Board or Control Officer shall consider the petition and shall within thirty (30) days give written notice of approval or disapproval of the petition, setting forth the reasons for disapproval.

(2) If the petition of the owner or applicant is disapproved, the owner or applicant may appeal to the Pollution Control Hearings Board of the State of Washington, pursuant to Section 3.17 of this Regulation.

(e) Failure to issue such an order or approval within the time prescribed herein shall be deemed a determination that the construction, installation or establishment may proceed provided that it is in accordance with the plans, specifications or other information, if any, required to be submitted. Such failure, however, shall not relieve any person from his obligation to comply with any emission control requirement or with any other provision of law.

(2.0) SECTION 7.07 NOTICE OF COMPLETION - ORDER OF VIOLATION

(a) The owner or applicant shall notify the Board or Control Officer of the completion of construction, installation or establishment and the date upon which operation will commence. The Board or Control Officer shall, within thirty (30) days of receipt of notice of completion, inspect the construction, installation or establishment; and the Board or Control Officer may issue an Order of Violation if he finds that the construction, installation or establishment is not in accord with the plans, specifications or other information submitted to the Authority and will be in violation of a law or regulation of the Authority in existence at the date the order was issued.

(b) Upon receipt of an Order of Violation, the owner may appeal said order in accordance with the provisions and procedures in Section 3.17 and 3.19 of this Regulation.

(c) The issuance of approval as provided by this Article and Section 7.05 shall not relieve the owner of the obligation to comply with the laws or regulations as adopted by this Authority or prevent the Board or Control Officer from issuing such orders as provided by Section 3.01, subsection (b) of Article 3 of this Regulation.

(2.0) SECTION 7.09 CONDITIONAL APPROVAL

The owner or applicant may request a conditional approval for an experimental installation, construction or establishment and said approval may be issued by the Board or Control Officer if it appears to the Board or Control Officer, from all submitted information, that the installation, construction or establishment when completed will satisfy the emissions standards adopted by the Board.

ARTICLE 9

(2.0) ## EMISSION PROHIBITED

(51.13) SECTION 9.01 OPEN FIRES

(a) No person shall cause or allow any open fire within the jurisdiction of the Authority except as follows:

(1) Fires for recreation purposes, cooking of food, Indian campfires, or the sending of smoke signals for a religious ritual.

(2) Fires set for the disposal of waste upon premises of private dwellings housing four familes or less, subject however, to the following restrictions.

(i) There shall be one fire only, and it shall not exceed four (4) feet in diameter.

(ii) The material may be burned only if it is of a location, nature and condition to burn without emitting smoke darker in shade than No. 3 on the Ringelmann Chart or offensive odors or creating a nuisance.

(iii) There shall be compliance with all laws and regulations of other governmental agencies regarding such fires.

(3) Fires from flares, torches and waste gas burners.

(4) Any fire allowed under this section is subject to the following:

(i) No salvage operation by open burning will be conducted.

(ii) No garbage will be burned.

(iii) No dead animals will be disposed of by burning.

(iv) No material containing asphalt, petroleum products, paints, rubber products, plastic or any substance which normally emits dense smoke or obnoxious odors will be burned.

(b) Open burning other than the above exceptions may be conducted only by permit from the Control Officer or his duly designated agent.

Such permits shall be issued when the Control Officer, or his duly designated agent, is satisfied that:

(1) No practical alternate method is available for the disposal of the material to be burned. Due consideration shall be given to economic factors and the location at which the material is to be burned.

(2) No salvage operation by open burning will be conducted.

(3) No garbage will be burned.

(4) No dead animals will be disposed of by burning.

(5) No material containing asphalt, petroleum products, paints, rubber products, plastic or any substance which normally emits dense smoke or obnoxious odors will be burned.

(c) Any permit issued may be limited by the imposition of conditions to prevent air pollution as defined in Article 1 of this Regulation. If it becomes apparent at any time to the Control Officer that the limitations need to be imposed, the Control Officer, or his duly designated agent, shall notify the permittee; and any limitations so imposed shall be treated as conditions under which the permit is issued.

(d) Fires started in violation of this Regulation shall be extinguished by the persons responsible for the same upon notice of the Control Officer or his duly designated agent. When the Control Officer has knowledge of adverse conditions for the dispersement of the by-products of combustion, an air pollution alert may be declared voiding all permits for open fires.

(e) It shall be prima facie evidence that the person who own or controls property on which an open fire, prohibited by this Regulation, occurs has caused or allowed said open fire.

(f) Firemen Training: The Control Officer, or his duly authorized agent. may allow, by permit, an open fire necessary for firemen training (other than forest fire training) by a legally authorized fire control agency and may authorize the burning of petroleum products by such permit.

(g) No person shall cause or allow any open fire.

  (1) Containing garbage, dead animals, petroleum products, paints, rubber products, plastics, or any substance which normally emits dense smoke or obnoxious odors, except as provided for in Section 9.01 (f).

  (2) During a forecast, alert, warning or emergency condition as defined in RCW 70.94.715 - State Episode Avoidance Plan.

  (3) In any area which has been designated by the Board or Control Officer as an area exceeding or threatening to exceed state or federal ambient air quality standards or, after July 1, 1975, state ambient air quality goals for suspended particulate described in Chapter 18-40 WAC, which is by this reference incorporated herein.

(50.1.2) SECTION 9.03 VISUAL EMISSIONS

(a) In equipment or facilities, including boilers using hog-fuel, installed on or before the effective date of this Regulation, with subsequent alterations and repairs thereto, no person shall cause or allow the emission to the outdoor atmosphere, for more than three (3) minutes in any one hour, of a gas stream containing air contaminants which is darker in shade that that designated as No. 2 (40% density) on the Ringelmann Smoke Chart, as published by the United States Bureau of Mines, or of such opacity as to obscure an observer's view to a degree greater than smoke shade No. 2, described above.

(b) In equipment or facilities, excluding boilers using hog-fuel, installed subsequent to the effective date of this Regulation, no person shall cause or allow the emission to the outdoor atmosphere for more than three (3) minutes in any one hour of any air contaminant darker in shade than that designated as No. 1 (20% density) on the Ringelmann Smoke Chart or of such opacity as to obscure an observer's view to a degree greater than smoke shade No. 1, described above.

(c) No person shall cause or allow the emission of particles of such size and nature as to be visible individually in sufficient number to cause annoyance to any other person. This restriction shall apply only if such particles fall on real property other than that of the person responsible for the emission.

(d) Observations shall be made by trained observers or by instrumentation.

(e) The only exceptions to Section 9.03 of this Regulation are as follows:

(1) When the gas stream is an emission from a boiler using hog-fuel, and an emission occurs which is due to unplanned and unintentional combustion conditions, the emission may be darker than that designated as No. 2 (40% density) but not as dark as that designated as No. 3 (60% density) on the Ringelmann Smoke Chart for a period of not more than six (6) minutes in any one hour: PROVIDED, that the operator shall take immediate action to correct the situation.

(2) For purposes of necessary soot blowing, the emission may be darker than the above limits for a period of not more than fifteen (15) minutes or three (3) minutes per boiler, whichever is less, in any 8 hour period.

(3) Where the presence of uncombined water is the only reason for the failure of an emission to meet the limitations of this section, those limits shall not apply. The burden of proof in this case shall be upon the person seeking to operate within the provisions of this section.

(4) The limits of this section shall not apply during the time for compliance with this Regulation fixed by the Control Officer of the Board.

(50.1) SECTION 9.05 PARTICULATE MATTER

(a) No person shall cause or allow the emission to the outdoor atmosphere of particulate matter in violation of Section 9.03.

(b) In equipment or facilities installed on or before the effective date of this Regulation, with subsequent alterations and repairs thereto, no person shall cause or allow the emission of particulate matter to the outdoor atmosphere from any single source, in excess of 0.20 grains per standard cubic foot of gas (calculated to 12 percent carbon dioxide if emission is from a combustion process; and in the case of incineration, corrected for the use of auxiliary fuel).

(c) In equipment or facilities (except boilers using hog-fuel) installed subsequently to the effective date of this Regulation, no person shall cause or allow the emission of particulate matter to the outdoor atmosphere from any single source in excess of 0.10 grains per standard cubic foot of gas (calculated to 12 percent carbon dioxide if emission is from a combustion process; and, in the case of incineration, corrected for the use of auxiliary fuel). In boilers using hog-fuel installed after December 3, 1969, no person shall cause or allow the emission of particulate matter to the outdoor atmosphere in excess of 0.20 grains per standard cubic foot of gas (calculated to 12 percent carbon dioxide), provided, however, that when uncombined water causes opacity in excess of twenty percent (number one on the Ringelmann Smoke Chart) the owner or operator of the source must supply valid data to show that the concentration of particulate matter, as shown by a source test approved by the Control Officer,is less than 0.10 grains per standard cubic foot.

(d) No person shall cause or allow particulate matter to be handled, loaded, transported, unloaded or stored without taking precautions to prevent air pollution.

(e) No person shall cause or allow any construction, alteration, repair, maintenance or demolition work without taking precautions to prevent air pollution.

(51.9) SECTION 9.07 INCINERATION OPERATION

No person shall cause or allow any incineration operation within the Authority's jurisdiction except in a multiple chamber incinerator and provide with emission control apparatus or in equipment found by the Control Officer or his duly designated agent, in advance of such use to be equally effective for the purpose of air pollution control.

(51.9) SECTION 9.09 INCINERATION HOURS

(a) No person shall cause or allow an incineration operation at any time other than daylight hours of the same day, except with approval of the Control Officer.

(b) Approval of the Control Officer for an incineration operation may be granted upon the submission of a written request stating:

(1) The name and address of the applicant.

(2) The location of the incinerator.

(3) A description of the incinerator and its control apparatus.

(4) Valid reason for issuance of such approval.

(5) The hours, other than daylight hours, during which the applicant seeks to operate the equipment.

(6) The length of time for which the exception is sought.

(50.6) SECTION 9.11 ODOR CONTROL MEASURES

(a) Effective control apparatus and equipment shall be installed and operated to reduce odor-bearing gases or particulate matter emitted into the atmosphere to a minimum, so as not to create air pollution.

(b) The Board may establish requirements that the building or equipment be closed and ventilated in such a way that all the air, gases and particulate matter are effectively treated for removal or destruction of odorous matter or other air contaminants before emission to the outdoor atmosphere.

(2.0) SECTION 9.13 EMISSION OF AIR CONTAMINANT - CONCEALMENT AND MASKING

(a) No person shall cause or allow the installation or use of any device or use of any means which, without resulting in a reduction in the total amount of air contaminant emitted,conceals an emission of air contaminant which would otherwise violate Sections 9.03 throught 9.11 and Section 9.19 of this Regulation.

(b) No person shall cause or allow the installation or use of any device or use of any means designed to mask the emission of an air contaminant which causes detriment to health, safety or welfare of any person.

(7.0) SECTION 9.15 REPORT OF BREAKDOWN

Emissions exceeding the limits set by this Regulation as a direct result of unavoidable, unforeseeable upset conditions and/or breakdown of equipment or control apparatus shall be reported to the Authority within 24 hours. The person responsible shall take immediate action to correct the problem and, upon request of the Control Officer, make a complete report outlining the known causes and the preventive measures to be taken to minimize or prevent recurrence.

(2.0) SECTION 9.17 EXCEPTIONS

Repealed by Resolution No. 20, adopted by the Board of Directors on October 6, 1971.

(50.2) SECTION 9.19 EMISSION OF SULFUR COMPOUNDS

(a) No person shall cause or allow the emission of sulfur dioxide from any premises which will result in concentrations and frequencies at ground level that exceed those shown in the following table:

TABLE I

MAXIMUM ALLOWABLE SULFUR DIOXIDE

GROUND-LEVEL CONCENTRATIONS

Concentration*	Averaging Time	Frequency of Occurrence
0.75 ppm	15 Minutes	Once in any 8-hour period
0.40 ppm	1 Hour	Once in any 4 consecutive days
0.10 ppm	24 Hours	Once in any 30 consecutive days

*parts per million by volume

Emissions exceeding the limits established in this subsection (a) shall not constitute a violation of Section 9.19 of this Regulation provided such emissions, form the emission point to the point of any such concentration, are on property controlled by the person responsible for such emissions.

(b) No person shall cause or allow the emission of air contaminant if the air contaminant, as measured in the stack, contains oxidized sulfur compounds, calculated as sulfur dioxide, of more than 1,500 parts per million. For the purpose of this section, all gaseous sulfur compounds containing oxygen shall be deemed to be present as sulfur dioxide.

Tests for determing compliance with Section 9.19 (b) of this Regulation shall be based on integrated samples collected over a period of not less than fifteen (15) consecutive minutes or 90 percent of the time of actual source operation, whichever is less.

(c) Emissions of sulfur compounds calculated to be in excess of 1,500 parts per million of sulfur dioxide at any emission point shall not constitute a violation of Section 9.19 (b) of this Regulation, provided such person responsible for the emissions provides evidence that such emissions will not cause ground-level concentrations on adjacent property to exceed the values indicated in Section 9.19 (a) of this Regulation.

(50.7) SECTION 9.21 FLUORIDES

(a) The following standards shall apply to forage:

(1) After sampling on a monthly basis, the yearly average fluoride content of the forage should not exceed 40 ppm fluoride ion (ppm F), on a dry weight basis, or exceed 60 ppm F for more than two (2) consecutive months or exceed 80 ppm F for more than one (1) month.

(2) In areas where cattle are not grazed continually but are fed cured forage, as hay, for part of the year, the flurode content of this hay shall be used as the forage fluoride content for as many months as it is fed to establish the yearly average. Computation of the yearly average shall take into consideration periods when cattle may have been grazed outside the area.

(3) Inasmuch as the standards set forth in paragraph (1) are intended to protect livestock, all forage samples analyzed to determine compliance with such standards shall be representative of forage actually consumed by livestock in the area. Also, in determining compliance in particular cases, consideration shall be given to the supplemental feed of the livestock involved.

(b) The following standards shall apply to the outdoor atmosphere:

TABLE II

MAXIMUM ALLOWABLE FLUORIDE*

GROUND-LEVEL CONCENTRATIONS

Concentration**	Averaging Time
4.5 ppb	12 consecutive hours
3.5 ppb	24 consecutive hours
2.0 ppb	1 calendar week
1.0 ppb	1 calendar month

* as gaseous fluorides calculated as HF

** parts per billion by volume

REGULATION I

YAKIMA COUNTY CLEAN AIR AUTHORITY

YAKIMA COUNTY CLEAN AIR AUTHORITY

REGULATION I

WHEREAS, the Yakima County Clean Air Authority was created pursuant to the provisions of the Washington Clean Air Act, RCW 70,94; and,

WHEREAS, pursuant to the provisions of said Washington Clean Air Act the Board of Directors of the Yakima County Clean Air Authority is empowered to adopt, amend and repeal its own ordinances, resolutions or rules and regulations, as the case may be, implementing the provisions of RCW 70.94; and,

WHEREAS, these regulations are necessary for the health, safety and welfare of the people of Yakima County; now, therefore,

The Board of Directors of the Yakima County Clean Air Authority hereby adopt the following rules and regulations.

(1.0) (2.0) ARTICLE I

POLICY, SHORT TITLE & DEFINITIONS

(2.0) SECTION 1.01 POLICY

It is declared to be the public policy of the Yakima County Clean Air Authority to secure and maintain such levels of air quality as will protect human health and safety; and to the greatest degree practical, prevent injury to plant and animal life and property, foster the comfort and convenience of the inhabitants of Yakima County, to promote the economic and social development of Yakima County and facilitate the enjoyment of the natural attractions therein.

(2.0) SECTION 1.02 SHORT TITLE

These rules and regulations shall be known and cited as "Regulation I of the Yakima County Clean Air Authority".

(1.0) SECTION 1.03 DEFINITIONS

Unless a different meaning is plainly required by the context, the following words and phrases as hereinafter used in these regulations shall have the following meanings:

Agricultural Operation - The growing of crops, the raising of fowl, animals or bees as a gainful occupation.

Air Contaminant - Dust, fumes, mist, smoke, other particulate matter, vapor, gas odorous substance, or any combination thereof.

Air Pollution - Presence in the outdoor atmosphere of one or more contaminants in sufficient quantities and of such characteristics and duration as is, or is likely to be, injurious to human health, plant or animal life, or property, or which unreasonably interfere with enjoyment of life and property.

Ambient Air - The air that surrounds the earth excluding the general volume of gases contained within any building or structure.

Authority - The Yakima County Clean Air Authority.

Board - The Board of Directors of the Yakima County Clean Air Authority.

Control Apparatus - Any device which prevents or controls the emission of any air contaminant.

Control Officer - The Air Pollution Control Officer of the Yakima County Clean Air Authority, or his duly authorized agents.

Combustible Refuse - Any burnable waste material containing carbon in a free or combined state other than liquid or gases.

Domestic Refuse - Refuse, exclusive of garbage at a property used exclusively as a private residence or dwelling for not more than three (3) families.

Emission - The act of releasing into the atmosphere an air contaminant or gas stream which contains or may contain an air contaminant; or the material released to the atmosphere.

Equipment - Any stationary or portable device or any part thereof capable of causing the emission of any air contaminant into the ambient air.

Excess Air - The quantity of air which exceeds the theoretical quantity of air required for complete combustion.

Fire Chief - The chief of any fire department, or his duly authorized agent.

Flue - Any duct or passage for air, gases or the like, such as a stack or chimney.

Fog - A visible aerosol in which the dispersed phase is liquid. Formation by condensation is usually implied, in meteorology as a dispersion of water or ice.

Garbage - Includes putrescible animal and vegetable wastes resulting from handling, preparation, cooking and serving food.

Hearings Board - Hearings Board created by Chapter ______ (ESB No. 1) Laws of 1970 1st. ex. sess.

Incinerator - A furnace for the destruction of waste, or oxidizing a waste to facilitate disposal.

Mist - A dispersion of liquid particles, the dispersion being of low concentration and the particle of large size. In meteorology, a light dispersion of water droplets of sufficient size to fall.

Multiple Chamber Incinerator - Any incinerator consisting of three or or more refactory-lined combustion chambers in series, physically separated by refactory walls, interconnected by gas passage ports or ducts and employing adequate design parameters necessary for maximum combustion of the material to be burned.

Open Fire - A fire where any material is burned in the open or in a receptacle other than a furnace, incinerator, or other equipment connected to a stack or chimney.

Owner - Includes the person who leases, supervises or operates the equipment or control apparatus.

Particle - A small discrete mass of solid or liquid matter. (general size range from submicron to 2000 micron).

Person - Person means and includes any individual, firm, public or private corporation, association, partnership, political subdivision, municipality or governmental agency.

Regulation - Any regulation and subsequently adopted additions or amendments thereto of the Regulations of the Yakima County Clean Air Authority.

Salvage Operation - An operation conducted in whole, or in part, for the salvaging or reclaiming of any product or material.

ARTICLE II

(2.0)

GENERAL PROVISIONS

(2.0) ### SECTION 2.01 CAUSING OR PERMITTING AIR POLLUTION UNLAWFUL- EXCEPTION

Except where specified in a variance permit, as provided herein, it shall be unlawful for any person knowingly to cause air pollution or knowingly permit it to be caused in violation of these rules and regulations.

(2.0) ### SECTION 2.02 CONTROL OFFICER - POWERS AND DUTIES

(1) The Control Officer shall observe and enforce the provisions of State Law and all orders, ordinances, resolutions or rules and regulations of the Authority pertaining to control and prevention of air pollution.

(2) The Control Officer or his duly authorized agent may make any reasonable investigation or study which is necessary for the purpose of enforcing this regulation or any amendment hereto or controlling or reducing the amount of or kind of air contaminant. The Control Officer shall be required to maintain appropriate records and prepare periodic reports to the Board.

(3) For the purpose of investigating conditions specific to the control, recovery or release of air contaminants into the atmosphere, the Control Officer, or his duly authorized representative, shall have the power to enter at reasonable times upon any private or public property, excepting non-multiple unit private dwellings housing three families, or less. No person shall refuse entry or access to the Control Officer or his duly authorized representatives who request entry for the purpose of inspection, and who present appropriate credentials; nor shall any person obstruct, hamper or interfere with such inspection.

(4) If an authorized employee of the Authority, during the course of an inspection, desires to obtain a sample of air contaminant, fuel, process material or other material which affects or may affect the emission of air contaminants, he shall notify the owner or lessee of the time and place of obtaining a sample so the owner or lessee has the opportunity to take a similar sample at the same time and place and the authorized employee of the Authority shall give a receipt to the owner or lessee for the sample obtained.

(2.0) SECTION 2.03 MISCELLANEOUS PROVISIONS

(1) No person shall willfully make a false or misleading oral statement to the Board as to any matter within the jurisdiction of the Board.

(2) No person shall reproduce or alter or cause to be reproduced or altered any order, registration certificate, or other paper issued by the Authority if the purpose of such reproduction or alteration is to evade or violate any provision of this Regulation or any other law.

(3) Any order, or registration certificate required to be obtained by this Regulation, shall be available on the premises designated on the order or certificate.

(4) In the event that the Authority requires a notice to be displayed, it shall be posted. No person shall mutilate, obstruct or remove any notice unless authorized to do so by the Board.

(14.0) SECTION 2.04 CONFIDENTIALITY OF RECORDS AND INFORMATION

Whenever any records or other information furnished to or obtained by the Board pursuant to this regulation relate to processes or production unique to the owner or operator, or is likely to affect adversely the competitive position of such owner or operator if released to the public or to a competitor, and the owner or operator of such processes or production so certifies, such records or information shall by only for the confidential use of the State Board or Board. Nothing herein shall be construed to prevent the use of records or information by the State Board or Board in compiling or publishing analyses or summaries relating to the general condition of the outdoor atmosphere: Provided, that such analyses or summaries do not reveal any information otherwise confidential as to the provisions of this section.

(2.0) SECTION 2.05 ADVISORY COUNCIL

The duties of the Advisory Council shall be to advise and consult with the Board and to advise and consult with the Control Officer in effectuating the purposes of this Regulation. All recommendations for the adoption or modification of regulations or emission standards shall be submitted to the Advisory Council sufficiently in advance of any Board action on the recommendations in order that the Advisory Council might advise and consult with the Board, and the Control Officer, on the recommendations.

ARTICLE III

(15.0)
(16.0)

VIOLATIONS - ORDERS AND HEARINGS

(16.0) SECTION 3.01 NOTICE OF VIOLATION - CORRECTIVE ACTION - HEARINGS

Whenever the Board or the Control Officer has reason to believe that any provision of these regulations has been violated, the Board or Control Officer may cause written notice to be served upon the alleged violator or violators. The Notice shall specify the provision of these regulations alleged to be violated, and the facts alleged to constitute a violation thereof, and may include an order that necessary corrective action be taken within a reasonable time. In lieu of an order, the Board or the Control Officer may require that the alleged violator or violators appear before the Hearings Board as provided for in Chapter _______ESB No. 1) Laws of 1970 1 st ex. sess. for a hearing pursuant to the provisions of Chapter 34.04 RCW as now or hereafter amended.

(2.0) SECTION 3.02 FINALITY OR ORDER - APPEAL

Any order issued by the Board or by the Control Officer shall become final unless, such order is appealed to the Hearings Board as provided in Chapter ______ (ESB No. 1) Laws of 1970, 1st. ex. sess.

(2.0) SECTION 3.03 STAY OR ORDER PENDING APPEAL

Any order of the Control Officer or Board shall be stayed pending final determination of any hearing or appeal taken in accordance with the provisions herein, unless after notice and hearing, the Superior Court shall determine that an emergency exists which is of such nature as to require that such order be in effect during the pendency of such hearing or appeal.

(2.0) SECTION 3.04 VOLUNTARY COMPLIANCE

Nothing in this chapter shall prevent the Control Officer or Board from making efforts to obtain voluntary compliance through warning, conference or any other appropriate means.

ARTICLE IV

(3.0) REGISTRATION AND NOTICE OF CONSTRUCTION

(3.0) SECTION 4.01 REGISTRATION

(1) All air contaminant sources within the jurisdiction of the Authority shall be registered with the Authority as hereafter set forth except any of the air contaminant sources which are listed in Section 4.03.

(2) Registration of an installation shall be made by the owner or lessee of the source, or his agent at such time as requested by the Control Officer or his agent on forms furnished by the Authority. The owner or lessee of the source shall be responsible for registration and the correctness of the information submitted.

(3) A separate registration shall be required for each source of contaminant: Provided, that an owner, or lessee, has the option to register a process with a detailed inventory of contaminant sources and emissions related to said process; and Provided further that an owner need not make a separate registration for identical units of equipment or control apparatus installed, altered or operated in an identical manner on the same premises.

(4) Each registration shall be signed by the owner or lessee, or the agent for such owner or lessee.

(2.0) SECTION 4.02 NOTICE OF CONSTRUCTION

(1) No person shall construct, install or establish a new air contaminant source, except those sources excluded in Section 4.03 of this Regulation, without first filing with the Authority a "Notice of Construction, Installation or Establishment of New Air Contaminant Source", on forms prepared and furnished by the Authority.

(2) Within thirty (30) days of its receipt of such notice, the Board or Control Officer may require, as a condition precedent to the construction, installation or establishment of the air contaminant source or sources covered thereby the submission of plans, specifications, and such other information as it deems necessary in order to determine whether the proposed construction, installation or establishment will be in accord with these rules and regulations.

(3) If within thirty (30) days of the receipt of plans, specifications or other information required pursuant to this section, the Board or Control Officer determines that the proposed construction, installation or establishment will not be in accord with this chapter or the applicable ordinances, resolutions, rules and regulations adopted pursuant thereto, it shall issue an order for the prevention of the construction, installation or establishment of the air contaminant source or sources. Failure of such order to issue within the time prescribed herein shall be deemed a determination that the construction, installation or establishment may proceed, provided that it is in accordance with the plans, specifications or other information, if any, required to be submitted.

(4) For the purpose of this chapter, addition to or enlargement or replacement of an air contaminant source, or any major alteration therein, shall be construed as construction, installation or establishment of a new air contaminant source.

(5) Nothing in this section shall be construed to authorize the Board or Control Officer to require the use of emission control equipment or other equipment, machinery or devices of any particular type, from any particular supplier, or produced by any particular manufacturer.

(6) Any features, machines, and devices constituting parts or called for by plans, specifications or other information submitted pursuant to Sub-Section (3) hereof shall be maintained in good working order.

(7) The absence of an ordinance, resolution, rule or regulation, or the failure to issue an order pursuant to this section shall not relieve any person from his obligation to comply with any emission control requirements or with any other provision of law.

(8) Notice of Completion - Order of Violation

The owner or applicant shall notify the Board or Control Officer of the completion of construction, installation or establishment and the date upon which operation will commence. The Board or Control Officer may, within thirty days of receipt of notice of completion inspect the construction, installation, or establishment, and the Board or Control Officer may issue an Order of Violation if he finds that the construction, installation, or establishment is not in accord with the plans, specifications or other information submitted to the Authority, and will be in violation of the emission standards in existence at the date the order was issued.

(51.1) SECTION 4.03 ORCHARD HEATERS

It shall be the duty of all persons, firms or corporations engaged in the business of selling orchard heating devices to report to the Control Officer the sale of such devices to be installed or used anywhere within the jurisdiction of the Yakima County Clean Air Authority and it shall be the duty of every person, firm or corporation purchasing any of said articles at the time of making such purchase to give to the seller a statement in writing signed by such purchaser or his duly authorized agent, setting forth a description of the devices and the correct location of the property at which such devices are to be installed or used.

The report herein provided for shall be in writing and be delivered or mailed to the Control Officer within ten days after such sale and shall contain name and address of purchaser and location of the property at which said devices are to be installed or used.

Any person violating any of the provisions of this section or making any false statement or report in connection with the sale of any such articles mentioned in this section, shall be subject to the fine and penalties hereafter provided.

The provisions of this section shall not apply to wholesale transactions made for the purpose of resale.

Compliance with the terms of this section shall constitute notices of construction as required in Section 4.02.

(2.0) SECTION 4.04 EXCEPTIONS TO ARTICLE IV

Neither registration nor notice of construction shall be required for the following air contaminant sources:

(1) Air conditioning or ventilating systems not designed to remove contaminant generated by or released from equipment.

(2) Blast cleaning equipment which uses a suspension of abrasive in liquid water.

(3) Fuel burning equipment:

    (a) Is used solely for a private dwelling serving three families or less; or

    (b) Smoke house generators, provided no nuisance is created.

(4) Fumigation vaults.

(5) Insecticide and herbicide spray equipment.

(6) Internal combustion engines, including gas turbine and jet engines.

(7) Laboratory equipment used exclusively for chemical or physical analysis.

(8) Laundry driers, extractors or tumblers used exclusively for the removal of water from fabric.

(9) Routing, turning, carving, cutting and drilling equipment used for metal, wood, plastics, rubber, leather or ceramics.

(10) Surface coating by use of aqueous solution or suspension.

(11) Steam cleaning equipment used exclusively for that purpose.

(12) Vacuum producing devices used in laboratory operations, and vacuum producing devices which do not remove or convey air contaminant from or to another source.

(13) Vents used exclusively for:

    (a) Sanitary or storm drainage systems; or

    (b) Safety valves; or

    (c) Washing or drying equipment used for products fabricated from metal or glass, if no volatile organic material is used in the process.

ARTICLE V

(2.0) EMISSION STANDARDS AND PREVENTIVE MEASURES

(51.13) SECTION 5.01 OPEN FIRES

(1) It shall be unlawful for any person to ignite, cause or permit to be ignited or to suffer, allow or maintain any open fire within the jurisdiction of the Authority, except as provided in Section 6.02, and in addition thereto, it shall be unlawful and not within any of the exemptions of Section 6.02 for any person to ignite, cause, permit or suffer to be ignited or allow or maintain any open fire within the jurisdiction of the Authority as follows:

(a) During any stage of an air pollution episode as defined in RCW 70.94.710 through 70.94.730; or

(b) Containing any rubber products, asphalt products, paints, crackcase oil, or petroleum wastes, plastics, garbage, dead animals or any waste other than natural vegetation that emits dense smoke or creates offensive odors when burned; or

(c) For the purpose of salvage or reclamation of materials. (Amendment II)

(2) It shall be prima facie evidence that the person who owns or controls property on which an open fire occurs has allowed or used said open fire. (Amendment II)

(50.1.2) SECTION 5.02 VISIBLE EMISSION

(1) During a period of five (5) years from the effective date of this regulation, no person shall cause or allow the emission of any air contaminant for a period or periods aggregating more than three minutes in any one hour, which is:

(a) Equal to or darker in shade than that designated as No. 2 (40% density) on the Ringelmann Chart as published by the United States Bureau of Mines; or

(b) Of such opacity as to obscure an observer's view to a degree equal to or greater than the smoke shade No. 2 on the Ringelmann Chart as published by the United States Bureau of Mines.

(c) Provided, however, that when the fuel burning equipment is a power boiler or boiler using hog-fuel and an emission occurs, that is due to conditions beyond the control of the owner or operator, the emission may be darker than that designated as No. 2 (40% density) but not as dark as that designated as No. 3 (60% density) on the Ringelmann Chart for a period or periods aggregating not more than six minutes in any one hour; provided that the operator shall take immediate action to correct the condition.

(2) On and after five (5) years from the effective date of this regulation, no person shall cause or allow the emission of any air contaminant for a period or periods aggregating more than three minutes in any one hour which is:

(a) Equal to or darker in shade than that designated as No. 1 (20% density) on the Ringelmann Chart as published by the United States Bureau of Mines; or

(b) Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke shade No. 1 on the Ringelmann Chart as published by the United States Bureau of Mines.

(3) No person shall hereafter sell or install within the jurisdiction of the Yakima County Clean Air Authority any air contaminant source in which the air contaminant emitting therefrom cannot be restricted to the standard set forth in Paragraph 5.02 (2), supra.

(4) In the case of orchard heating devices the first one-half (1/2) hour after such device is ignited shall not be considered in determining whether or not the opacity of the emission from such orchard heating device is as described in Section 5.02 (1) or Section 5.02 (2).

(5) No person shall allow, cause, let, permit or suffer the emission, of particles of such size and nature as to be visible individually as particles in sufficient number to be injurious to human health, plant or animal life, or property or which unreasonably interefere with the enjoyment of life and property. This subsection shall apply only if such particles fall on real property other than that of the person responsible for the emission.

(6) The density or opacity of an air contaminant shall be measured at the point of its emission, except when the point of emission cannot be readily observed, it may be measured at an observable point on the plume nearest the point of emission.

(7) This section shall not apply when the presence of uncombined water is the only reason for the failure of the emission to meet the requirements of Subsection (2) (b) and (3) (b).

(51.9) SECTION 5.03 INCINERATOR AND REFUSE BURNING EQUIPMENT

(1) No person shall burn any combustible refuse in any incinerator within the boundaries of the Authority except in a multiple chamber incinerator equipped with emission control apparatus, or in equipment found by the Control Officer in advance of such use to be equally effective for the purpose of air pollution control.

(2) It shall be unlawful for any person to cause or permit the operation of refuse burning equipment at any time other than daylight hours of the same day, except with the approval of the Control Officer. Approval of the Control Officer for the operation of such equipment may be granted upon the sumbission of a written notice stating:

(a) The full name and address of the applicant; and

(b) The location of the refuse burning equipment; and

(c) A brief description of the refuse burning equipment and its control apparatus; and

(d) Good cause for the issuance of such approval; and

(e) The hours other than daylight hours during which the applicant seeks to operate the equipment; and

(f) The length of time for which the exception is sought.

(50.6) SECTION 5.04 ODOR CONTROL MEASURES

(1) All air contaminant sources emitting odor bearing gases and odor bearing particulate matter shall be operated or controlled in such a manner as to eliminate as far as practicable noxious odors. Proven technological improvements, to the extent that the same are economically feasible shall be incorporated in such air contaminant sources to reduce the emission of noxious odors in the ambient air.

(2.0) SECTION 5.05 PREVENTIVE MEASURES

(1) No person shall cause, let, allow, permit or suffer particulate matter to be stored, handled or transported without taking reasonable precautions to prevent air pollution.

(2) No person shall cause, let, allow, permit or suffer a building or its appurtenances or a road to be constructed, altered, repaired or demolished without taking reasonable precautions to prevent air pollution.

(3) It shall be unlawful for any person to willfully cause or permit the installation or use of any device or use of any means which, without resulting in a reduction in the total amount of air contaminants emitted, conceals an emission of air contaminant which would otherwise violate Article V of this regulation.

(4) It shall be unlawful for any person to cause or permit the installation or use of any device or use of any means designated to mask the emission of an air contaminant which causes detriment to health, safety, or welfare of any person.

(5) Nothing in this Regulation shall be construed to impair any cause of action or legal remedy therefore of any person, or the public for injury or damages arising from the emission of any air contaminant in such place, manner or concentration as to constitute air pollution or a common law nuisance.

(2.0) SECTION 5.06 EXCEPTIONS TO ARTICLE V

The following are excepted from Article V:

(1) Reported Breakdown - Emissions exceeding any of the limits established by this Regulation as a direct result of unavoidable upset conditions or unavoidable and unforeseeable breakdown of equipment or control appratus shall not be deemed in violation provided the following requirements are met:

(a) The upset or breakdown is immediately reported to the Authority.

(b) The person responsible shall upon the request of the Control Officer submit a full report including the known causes and the preventive measures to be taken to minimize or eliminate a re-occurrence.

(c) The person responsible for such emissions shall proceed to correct the conditions causing such emissions to exceed the limits set by these regulations.

(2) Domestic Housing - Fuel burnining equipment used exclusively in connection with any structure, which structure is used exclusively as a dwelling for not more than three (3) families.

ARTICLE VI

(5.0)

VARIANCES AND EXEMPTIONS

(5.0) SECTION 6.01 VARIANCES

(1) Any person who owns or is in control of any plant, building, structure, establishment, process or equipment, including a group of persons who own or control like processes or like equipment may apply to the Board for a variance from the rules or regulations governing the quality, nature, duration or extent of discharges of air contaminants. The application shall be accompanied by such information and data as the Board may require. The Board may grant such variance, but only after public hearing and due notice, if it finds that:

(a) The emissions occurring or proposed to occur do not endanger public health or safety; and

(b) Compliance with the rules and regulations from which variance is sought would produce serious hardship without equal or greater benefits to the public.

(2) No variance shall be granted pursuant to this section until the Board has considered the relative interests of the applicant, other owners of property likely to be affected by the discharges and the general public.

(3) Any variance or renewal thereof shall be granted within the requirements of Subsection (a) and for time periods and under conditions consistent with the reasons therefore, and within the following limitations:

(a) If the variance is granted on the ground that there is no practicable means known or available for the adequate prevention, abatement or control of the pollution involved, it shall be only until the necessary means for prevention, abatement or control become known and available, and subject to the taking of any substitute or alternative measures that the Board may prescribe.

(b) If the variance is granted on the ground that compliance with the particular requirements or requirement from which variance is sought will require the taking of measures which, because of their extent or cost, must be spread over a considerable period of time, it shall be for a period not to exceed such reasonable times as, in the view of the Board is requisite for the taking of the necessary measures. A variance granted on the ground specified herein shall contain a timetable for the taking of action in an expeditious manner and shall be conditioned on adherence to such timetable.

(c) If the variance is granted on the ground that it is justified to relieve or prevent hardship of a kind other than provided for in item (a) and (b) of this sub-paragraph, it shall be for not more than one year.

(4) Any variance granted pursuant to this section may be renewed on terms and conditions and for periods which would be appropriate on initial granting of a variance. If complaint is made to the Board on account of the variance, no renewal thereof shall be granted unless, following a public hearing on the complaint on due notice, the Board finds that renewal is justified. No renewal shall be granted except on application therefore. Any such application shall be made at least sixty (60) days prior to the expiration of the variance. Immediately upon receipt of an application for renewal, the Board shall give public notice of such application in accordance with rules and regulations of the Board.

(5) A variance or renewal shall not be a right of the applicant or holder thereof but shall be at the discretion of the Board. However, any applicant adversely affected by the denial or the terms and conditions of the granting of an application for a variance or renewal of a variance by the Board may obtain judicial review thereof only under the provisions of the Washington Clean Air Act.

(6) Nothing in this section and no variances or renewal granted pursuant hereto shall be construed to prevent or limit the application of the emergency provision, and procedures of Section 57 of the Washington Clean Air Act to any person or his property.

(2.0) SECTION 6.02 EXEMPTIONS

This Regulation shall not apply to the following:

(1) Small outdoor fires for pleasure, religious, ceremonial smoking or like social purposes; (Amendment II)

(2) Fires from flares, torches, wastes, gas burners, incense burners, and insect ports; (Amendment II)

(3) Fires abating a forest fire hazard, to prevent a fire hazard, for instruction of public officials in methods of forest fire fighting, and any silvicultural operation to improve forest, lands, where and when permitted by the State Department of Natural Resources under RCW 70.94.650 through RCW 70.94.700;

(4) Fires for instruction in the method of fighting fires, testing fire resistant materials, or testing fire protection equipment provided prior written approval has been issued by the Control Officer of the Board. (Amendment II)

(5) After date of adoption of these regulations all agricultural burning, including burning of weeds and cereal stubble, and including burning for pest and disease control shall be permitted only as authorized by permit from the Air Pollution Control Authority except that this restriction on agricultural burning set forth herein shall not apply and permit shall not be required for fires of one acre or less, limited to the purpose of destroying noxious weeds, orchard and vineyard prunings, or crop residue along fence rows, ditches, waterways and cultivated fields, provided that such fires shall be subject to the provisions of Section 6.03, Subsections 2, 3 and 5 of this Amendment to the Yakima County Clean Air Authority, Regulation No. 1, and further that the burning procedure shall be used to insure good combustion and minimize smoke and adverse effects on the air quality. It is further provided that the provision herein permitting fires on parcels of land one acre in size or less shall not be construed to permit the accumulation of weeds or crop residue from larger parcels of land to be burned on parcels one acre in size or less. That provision, as herein contained, shall apply to burning on such small parcels of weeds and crop residue as have naturally accumulated there or remain after harvest.

(6) Residential Burning: Residential burning as herein defined shall be permitted provided that: (Amendment II)

(a) Only one pile shall be burned at a time and each pile shall be extinguished before another is ignited;

(b) No burning is to be conducted within 50 feet of an inhabited structure.

(7) Burning for land clearing is authorized without permit provided that: (Amendment II)

(a) It is conducted outside of restricted areas as defined in these Regulations;

(b) Burning is not conducted within less than 100 yards of an inhabited structure other than that located on the property in which the burning is conducted;

(c) The material shall be placed on the fire in such a manner so that dirt will not be included and dumped on the fire;

(d) Burning other than the above exceptions may be done only upon permit issued by the Control Officer under restrictions approved by the Board.

(8) Burning: Burning of Pesticide and Herbicide Containers: Burning of agricultural pesticide and herbicide containers by land owners and commercial applicators shall be permitted provided: (Amendent II)

(a) Such burning is not conducted within 100 yards of an inhabited structure other than that located on the property on which the burning is conducted;

(b) Such container shall not be burned if it is made of plastic materials or if the manufacturer's recommendations are that such container be not burned and such containers shall not be burned when other regulations or statutes, either State or Federal, prohibit the burning thereof.

(9) Other Burning: Fires for disposal of waste materials other than that defined above, provided the authority has determined that no alternate means of disposal is reasonably available and further provided, (Amendment II)

(a) That prior written approval has been issued by the Control Officer or the Board;

(b) That the burning is conducted at such times and under such conditions as may be established by the Control Officer or the Board.

(10) Open fires for orchard heating purposes are prohibited except that orchard heating devices and materials using open fire or open flame systems may be used if the visible emissions from such open fire or open flame systems do not exceed the limitations on visible emissions as set forth in Section 5.02 of this Regulation. This exception shall not be construed to permit the burning in an open fire of any material containing asphalt, petroleum products, paints, rubber products, plastics or any substance which normally emits dense smoke or obnoxious odors. (Amendment I)

(51.13) SECTION 6.03 ADDITIONAL RESTRICTIONS ON OPEN BURNING

(1) All burning within exemptions of Section 5, 6, 7, and 8 of Section 6.02 of this Regulations shall be conducted between the hours of sunrise and sunset, except that burning for pest or disease control or for land clearing purposes, and of which the combustible material consists primarily of wood more than 12 inches in diameter, may be conducted after sunset, but such fires shall not be fed after 12:00 noon on any day they are ignited. For the purposes of this provision, a fire shall be deemed to be out and extinguished when there is not visible flame coming from the fire. (Amendment II)

(2) No open burning shall be conducted when an air stagnation advisory has been issued by the Washington State Department of Ecology. (Amendment II)

(3) No open burning shall be conducted when the Control Officer, acting on guidelines for air quality control which are hereafter to be established by the Board, has prohibited such burning. (Amendment II)

(4) No burning, shall be conducted after the Control Officer has imposed limitations on such burning by reason of adverse weather conditions as are defined in Subsection 2, 3, and 5 hereof, and has given public notice of such restriction. Notice will be deemed sufficient to the public for all purposes of these Regulations after twelve hours have elapsed from the time such notice has been delivered to and published by a newspaper of general circulation in the area where such limitation applies or has been delivered to, and broadcast by, a radio or television station serving such area. (Amendment II)

(5) No open fires shall be ignited during any stage of an air pollution episode and any person or entity responsible for an open fire shall immediately proceed to extinguish such ifre when notified of the existence of an air pollution episode by any of the means set forth in Paragraph 4 above (Amendment II)

(6) Any person responsible for fires set in accordance with this Section must abide by all rules and procedures set by other agencies providing any jurisdiction over the practice of open burning. (Amendment II)

ARTICLE VII

(15.0) PENALTY AND SEVERABILITY

(15.0) SECTION 7.01 PENALTY FOR VIOLATION

(1) Any person who violates any of the provisions of this regulation other than Section 2.03, shall be guilty of a gross misdemeanor and upon conviction thereof shall be punished by a fine of not less than one hundred dollars ($100.00) nor more than one thousand dollars ($1,000.00), or by imprisonment for a term of not more than one year or by both fine and imprisonment for each separate violation. Each day upon which such violation occurs shall constitute a separate violation.

(2) Any person who willfully violates Section 2.03 shall be guilty of a gross misdemeanor and upon conviction thereof shall be punished by a fine of not less than one hundred dollars ($100.00) nor more than one thousand dollars ($1,000.00), or by imprisonment for a term of not more than one year or by both fine and imprisonment.

(15.0) SECTION 7.02 ADDITIONAL OR ALTERNATIVE PENALTIES

In addition to or as an alternate to any other penalty provided by law, any person who violates any of the provisions of these regulations shall incur a penalty in the form of a fine in an amount not to exceed Two Hundred Fifty Dollars per day for each violation. Each such violation shall be a separate and distinct offense, and in case of a continuing violation, each day's continuance shall be a separate and distinct violation.

Each act of commission or omission which procures, aids or abets in the violation shall be considered a violation under the provisions of this section and subject to the same penalty. The penalty shall become due and payable when the person incurring the same receives a notice in writing from the Control Officer of the Authority describing the violation with reasonable particularity and advising such person that the penalty is due unless a request is made for a hearing to the Hearing Board. The hearing shall be conducted pursuant to the provisions of Chapter 34.04 RCW. If the amount of such penalty is not paid to the Board within fifteen (15) days after receipt of notice imposing the same, and a request for a hearing has not been made, the Attorney General, upon the request of the Executive Director or the attorney for the Authority, shall bring action to recover such penalty in the Superior Court of the County in which the violation occurred. All penalties recovered under this section by the Authority shall be paid into the treasury of the Authority and credited to its funds.

To secure the penalty incurred under this section, the Authority shall have a lien on any vessel used or operated in violation of these regulations which shall be enforced as provided in RCW 60.36.050.

(2.0) SECTION 7.03 ASSURANCE OF DISCONTINUANCE

As an additional means of enforcing these regulations, the Board may accept an assurance of discontinuance of any act or practice deemed in violation of this regulation, from any person engaging in, or who has engaged in, such act or practice. Any such assurance shall specify a time limit during which such discontinuance is to be accomplished. Failure to perform the terms of any such assurance shall constitute prima facie proof of a violation of these regulations, or order issued pursuant hereto, which make the alleged act or practice unlawful for the purpose of securing any injunction or other relief from the Superior Court as provided in RCW 70.94.425.

(2.0) SECTION 7.04 RESTRAINING ORDER - INJUNCTIONS

Notwithstanding the existence or use of any other remedy, whenever any person has engaged in, or is about to engage in, any acts or practices which constiture or will constitute a violation of any provision of these regulations or order issued thereunder, the Board, after notice to such person and an opportunity to comply, may petition the Superior Court of the county wherein the violation is alleged to be occurring or to have occurred for a restraining order or a temporary or permanent injunction or another appropriate order.

(2.0) SECTION 7.05 SEVERABILITY

If any phrase, clause, subsection, or section of this regulation shall be declared unconstitutional or invalid by any court of competent jurisdiction, it shall be conclusively presumed that the Board of Directors would have enacted this regulation without the phrase, clause, subsection, or section so held unconstitutional or invalid and the remainder of the regulation shall not be affected as a result of said part being held unconstitutional or invalid.

(2.0) SECTION 7.06 EFFECTIVE DATE

The effective date of these regulations shall be January 1, 1971.

REGULATION I

SPOKANE COUNTY AIR POLLUTION CONTROL AUTHORITY

REGULATION I

ARTICLE I

(1.0)
(2.0)

POLICY, SHORT TITLE, AND DEFINITIONS

(2.0) SECTION 1.01 POLICY

The Spokane County Air Pollution Control Authority, co-extensive with the boundaries of Spokane County, having been activated by the Washington Clean Air Act, RCW 70.94 as amended, adopts the following Regulations to control the emission of air contaminants from all sources within the jurisdiction of the Authority; to provide for the uniform administration and enforcement of this Regulation; and to carry out the requirements and purposes of the Washington Clean Air Act.

It is hereby declared to be the public policy of the Spokane County Air Pollution Control Authority to secure and maintain such levels of air quality as will protect human health and safety and, to the greatest degree practicable, prevent injury to plant and animal life and to property, foster the comfort and convenience of its inhabitants, promote the economic and industrial development of the County and enhance the recreational potential within the County.

(2.0) SECTION 1.02 NAME OF AUTHORITY

The name of the County Air Pollution Control Authority, co-extensive with the boundaries of Spokane County, shall be known as the "SPOKANE COUNTY AIR POLLUTION CONTROL AUTHORITY".

(2.0) SECTION 1.03 SHORT TITLE

This regulation shall be known and cited as "Regulation I of the Spokane County Air Pollution Control Authority".

(1.0) SECTION 1.04 GENERAL DEFINITIONS

When used in Regulation I of the Spokane County Air Pollution Control Authority:

(a) Agriculture Operation means the growing of crops, the raising of fowl, animals, or bees as a gainful occupation.

(b) Air Contaminant means dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substance or any combination thereof.

(c) Air Pollution means the presence in the outside atmosphere of one or more air contaminants in sufficient quantities and of such characteristics and duration as is, or is likely to be, injurious to public welfare; to human, plant, or animal life, or to property; or which unreasonably interferes with enjoyment of life and property.

(d) Ambient Air means the surrounding outside air.

(e) Authority means Spokane County Air Pollution Control Authority.

(f) Board means Board of Directors of the Spokane County Air Pollution Control Authority.

(g) Combustion means the rapid exothermic reaction of any material with oxygen.

(h) Control Equipment means any equipment which has the primary function of regulating or controlling the emission from a process, fuel burning or refuse burning equipment and thus reduces the formation of or the emission of air contaminants into the atmosphere, or both.

(i) Control Officer means Air Pollution Control Officer for the Spokane County Air Pollution Control Authority.

(j) Emission means a release into the outdoor atmosphere of air contaminants.

(k) Fire Department means a fire control agency such as City Fire Departments, County Fire Department, local fire control districts or the Washington State Department of Natural Resources.

(l) Garbage means putrescible animal or vegetable waste resulting from the handling, preparation, cooking and serving of food.

(m) Incinerator means any article, machine, equipment, contrivance, structure or part of a structure capable of withstanding heat and designed to reduce the solid, semi-solid, or liquid by combustion.

Incinerator-Multiple Chamber means any incinerator consisting of three or more refractory-lined combustion chambers in series, physically separated by refractory walls, interconnected by gas passage ports or ducts and employing adequate design parameters necessary for maximum combustion of the material to be burned.

(n) Motor Vehicle means equipment propelled by an internal combustion engine in or upon which people or material may be transported on the ground.

(o) Odor means that property of a substance which allows its detection by the sense of smell.

(p) Open Fire or Outdoor Fire means a fire where any material is burned in the open or in a receptable other than a furnace, incinerator, or other equipment connected to a stack or chimney.

(q) Particulate Matter means any material except uncombined water that exists in a finely-divided form as a liquid or solid at standard conditions of temperature (60°F) and pressure (14.7 pounds per square inch absolute).

(r) Person means any individual, public or private corporation, political sub-division, board, department, or bureau of municipality, partnership, association, trust, estate or other legal entity whatsoever, which is recognized by law as the subject of rights and duties, or any officer or employee of any of the foregoing.

(s) Refuse means putrescible and non-putrescible solid wastes including garbage, rubbish, ashes, incinerator residue, dead animals, abandoned automobiles, solid market wastes, street cleaning, and solid commercial and industrial waste (including waste disposal in industrial salvage).

(t) Ringelmann Smoke Chart means the chart published and described in the U.S. Bureau of Mines Information Circular 8333.

(u) Salvage Operation means any operation conducted in whole or in part, for the salvaging or reclaiming of any product or material.

(v) Smoke means small gas-borne, particles, other than water generated from combustion processes, in sufficient number to be observable.

(w) Stack means duct, chimney, flue, conduit, or opening arranged for the emission into the outdoor atmosphere of air contaminants.

ARTICLE II

(2.0) GENERAL PROVISIONS

(16.0) SECTION 2.01 POWERS AND DUTIES OF THE BOARD

Pursuant to the provisions of the "Washington Clean Air Act" RCW 70.94, the Board shall establish such procedures and take such action as may be required to implement Section 1.01 of this Regulation consistent with the State Act and other applicable laws. The Board may take such action as may be necessary to prevent air pollution including control and measurement of the emission of air contaminants from a source. The Board shall appoint a Control Officer competent in the control of air pollution who shall, with the Board's advice and approval, enforce the provisions of this Regulation and all ordinances, orders, resolutions, or rules and regulations of this Authority pertinent to the control and prevention of air pollution in this county.

The Board shall have the power to hold hearings relating to any aspect of or matter in the administration of this Regulation and in connection therewith issue subpoenas to compel the attendance of witnesses and production of evidence, administer oaths and take the testimony of any person under oath.

The Board shall have the power to adopt, amend and repeal its own ordinances, resolutions, or rules and regulation. Any adoption, amendment, or repeal of the Board's ordinances, resolutions, or rules and regulations shall be made, after due consideration at a public hearing held in accordance with Chapter 42.32 RCW, and shall have the same force and effect as all other of the Board's ordinances, resolutions, or rules and regulations as soon as adopted by the Board. (See RCW 70.94.141).

(2.0) SECTION 2.02 CONTROL OFFICER'S DUTIES AND POWERS

(a) The Control Officer and/or his authorized agents shall observe and enforce the provisions of the State Law and all orders, ordinances, resolutions or rules and regulations of the Authority pertaining to the control and prevention of air pollution pursuant to the policies set down by the Board.

(b) The Control Officer, with the approval of the Board, shall have the authority to appoint and remove such employees as are necessary to the performance of the duties assigned to him and to incur necessary expenses within the limitations of the budget.

(c) The Control Officer shall maintain appropriate records and submit reports as required by the Board, the State Board and the appropriate Federal Agencies.

(d) The Control Officer may engage, at the Authority's expense, within the limitation of the budget, qualified individuals or firms to make independent studies and reports as to the nature, extent, quantity or degree of any air contaminants which are or may be discharged from any source within the Authority's jurisdiction.

(e) For the purpose of investigating conditions specific to the control, recovery or release of air contaminants into the atmosphere, the Control Officer or his duly authorized representatives shall have the power to enter, at reasonable times, upon any private or public property, excepting equipment specifically excepted in Section 6.09 of this Regulation. No person shall refuse entry or access to the Control Officer or his duly authorized representative who request entry for the purpose of inspection and who presents appropriate credentials, nor shall any person obstruct, hamper or interfere with any such inspection. (RCW 70.94. 200)

(f) If the Control Officer or an authorized employee of the Authority during the course of an inspection desires to obtain a sample of air contaminant, fuel, process material or other material which affects or may affect the emission of air contaminants, he shall notify the owner or lessee of the time and place of obtaining a sample so the owner or lessee has the opportunity to take a similar sample at the same time and place, and the Control Officer or the authorized employee of the Authority shall give a receipt to the owner or lessee for the sample obtained.

(g) The Control Officer shall be empowered by the Board to sign official complaints or issue citations or initiate court suits or use other legal means to enforce the provisions of this Regulation.

(14.0) SECTION 2.03 CONFIDENTIAL INFORMATION

Whenever any records or other information furnished to or obtained by the Authority, pursuant to any sections in RCW 70.94 relate to processes or production unique to the owner or operator, or is likely to affect adversely the competitive position of such owner or operator if released to the public or to a competitor and the owner or operator of such processes or production so certifies, such records or information shall be only for the confidential use of the Authority. (RCW 70.94.205)

(15.0) SECTION 2.04 VIOLATIONS

(a) Whenever the Board or Control Officer has reason to believe that any provision of the State Law or any ordinance, regulation, rule or order relating to the control or prevention of air pollution has been violated, he may cause written notice to be served upon the alleged violator or violators. The notice shall specify the provision of the State Law or of this Regulation alleged to be violated and the facts alleged to constitute a violation thereof and may include an order that necessary corrective action be taken within a reasonable time. In lieu of an order the Control Officer may require that the alleged violator or violators appear before the Board for a hearing at a time and place specified in the notice given at least fifteen (15) days prior to such a hearing and answer the charges complained of, or in addition to or in place of an order or hearing, the Board or Control Officer may initiate action pursuant to RCW 70.94.425, RCW 70.94.430 and RCW 70.94.435. (RCW 70.94.211)

(b) The Control Officer may, in place of an order or hearing after service of a notice of violation and expiration of reasonable period of time without correction, request the County Prosecutor to prosecute a criminal action against the violator.

(16.0) SECTION 2.05 ORDERS AND HEARINGS

(a) Any order issued by the Board or by the Control Officer, which is not preceeded by a hearing, shall become final unless, no later than twenty days after the date the Notice and Order are served, the person aggreved by the Order petitions for a hearing before the Board. Upon receipt of the petition, the Board shall hold a hearing pursuant to Chapter 34.04 RCW as now or hereinafter amended.

(b) If, after a hearing held as a result of a petition to the Authority by a person aggrieved by an order the Board finds that a violation has occurred or is occurring, it shall affirm or modify the order previously issued, or if the finding made is that no violation has occurred or is occurring, the order shall be rescinded. If, after a hearing held in lieu of an order the Board finds that a violation has occurred or is occurring, it shall issue an appropriate order or orders for the prevention, abatement or control of the emissions involved or for the taking of such other corrective actions as may be appropriate. Any order issued as part of a notice or after hearing may prescribe time-tables for necessary action in preventing, abating, or controlling the emissions.

(c) Any hearings held under this section shall be conducted in accord with RCW 34.04.090 through 34.04.130 as now or hereinafter amended.

(16.0) SECTION 2.06 APPEALS FROM BOARD ORDERS, JUDICIAL REVIEW

Any order issued by the Board after a hearing shall become final unless no later than thirty (30) days after the issuance of such order, a petition requesting judicial review is filed in accordance with the provisions of Chapter 34.04 RCW as now and hereinafter amended.

(2.0) SECTION 2.07 STATUS OF ORDERS OR APPEAL

(a) Any order of the Board or the Control Officer shall be stayed pending final determination of any hearing or appeal taken in accordance with the provisions herein, unless after notice and hearing the Superior Court shall determine that an emergency exists which is of such nature as to require that such order be in effect during the pendency of such hearing or appeal.

(b) Nothing in this Regulation shall prevent the Board or Control Officer from making efforts to obtain voluntary compliance through warning, conference or any other appropriate means. (RCW 70.94.223)

(15.0) SECTION 2.08 FALSIFICATION OF STATEMENT OR DOCUMENT, UNLAWFUL ALTERATION OF DOCUMENTS, DISPLAY OF DOCUMENTS, AND THEIR REMOVAL OR MULTILATION PROHIBITED

(a) No person shall willfully make a false or misleading statement to the Board as to any matter within the jurisdiction of the Board.

(b) No person shall reproduce or alter or cause to be reproduced or altered any order, registration certificate or other paper issued by the Agency if the purpose of such reproduction or alteration is to evade or violate any provision of this Regulation or any other law.

(c) Any order or registration certificate required to be obtained by this Regulation shall be available on the premises designated on the order or certificate.

(d) In the event the Authority requires a notice to be displayed, it shall be posted. No person shall mutilate, obstruct or remove any notice unless authorized to do so by the Board.

(2.0) SECTION 2.09 SERVICE OF NOTICE

(a) Service of any written notice required by this Regulation shall be made on the owner or lessee of equipment, or his agent as follows:

(1) Either by mailing the notice in a prepaid envelope directed to the owner or lessee of the equipment, or his agent, at the address listed on his application or order or registration certificate or at the address where the equipment is located, by United States Certified Mail, return receipt requested, or

(2) By leaving the notice with owner or lessee of the equipment, or his agent, or if the owner or lessee is not an individual, then a member of the partnership or other concerned or with an officer or managing agent of the corporation.

(b) Service of any written notice required by this Regulation shall be made to the Authority as follows:

(1) Either by mailing the notice in a prepaid envelope directed to the Authority at its office, by United States Certified Mail, return receipt requested, or

(2) By leaving the notice at the Authority office with an employee of the Authority.

(2.0) SECTION 2.10 SEVERABILITY

If any phrase, clause, subsection or section of this Regulation shall be declared unconstitutional or invalid by any court of competent jurisdiction, it shall be conclusively presumed that the Board of Directors would have enacted the Regulation without the phrase, clause, subsection or section so held unconstitutional or invalid and the remainder of the Regulation shall not be affected as a result of said part being held unconstitutional or invalid. (RCW 70.94.911)

(15.0) SECTION 2.11 PENALTIES

(a) Any person who violates any provision of this Regulation shall be guilty of a gross misdemeanor and upon conviction thereof shall be punished by a fine of not less than one hundred dollars ($100.) nor more than one thousand dollars ($1,000) or by imprisonment for a term of not more than one (1) year or by both fine and imprisonment for each separate violation. Each day upon which such violation occurs shall constitute a separate violation. (RCW 70.94.430)

(b) Any person who violates Section 2.03 (Confidential Information) of this Regulation shall be guilty of a gross misdemeanor and upon conviction thereof shall be punished by a fine of not less than one hundred dollars ($100.) or more than one thousand dollars ($1,000) or by imprisonment for a term of not more than one (1) year or by both fine and imprisonment.

(c) In addition to or as an alternate to any other penalty provided by law, any person who violates any of the provisions of Chapter 70.94 RCW or any of the rules or regulations of the State Board shall incur penalty in the form of a fine in an amount not to exceed $250./day for each violation. Each such violation shall be a separate and distinct offense and in case of a continuing violation, each day's continuance shall be a separate and distinct violation.

Each act of commission or omission which procures, aids or abets in the violation shall be considered a violation under the provisions of this section and subject to the same penalty. The penalty shall become due and payable when the person incurring the same receives a notice in writing from the Control Officer of the Authority describing the violation with reasonable particularity and advising such person that the penalty is due unless a request is made for a hearing to the Board. The hearing shall be continued pursuant to the provisions of Chapter 34.04 RCW. If the amount of such penalty is not paid to the Board within 15 days after receipt of notice enclosing the same and a request for a hearing has not been made, the attorney general upon request of the attorney for the Authority shall bring an action to recover such penalty in the Superior Court in the County of which the violation occurred.

(15.0) SECTION 2.12 RESTRAINING ORDER - INJUNCTION - OTHER COURT ORDER

Notwithstanding the existence or use of any other remedy whenever any person has engaged in, or is about to engage in, acts or practices which constitute or will constitute a violation of any provision of this Regulation or any rule, regulation or order issued by the Board of the Control Officer or his authorized agent, the Board, after notice to such person and an opportunity to comply, may petition the County Superior Court for a restraining order or a temporary or permanent injunction or another appropriate order. (RCW 70.94.425)

ARTICLE III

(5.0) VARIANCES, WHEN PERMITTED

(a) Any person who owns or is in control of any plant, building, structure, establishment, process or equipment, including a group of persons who owns or controls like processes or like equipment, may apply to the Board for a variance from rules or regulations governing the quality, nature, duration, or extent of discharges of air contaminants. The application shall be accompanied by such information and data as the Board may require. The Board may grant such variance, but only after public hearing or due notice, if it finds that:

(1) The emissions occurring or proposed to occur do not endanger public health or safety; and

(2) Compliance with the rules or regulations from which variances is sought would produce serious hardship without equal or greater benefits to the public.

(b) No variance shall be granted pursuant to this section until the Board has considered the relative interests of the applicant, other owners of property likely to be affected by the discharges, and the general public.

(c) Any variance or renewal thereof shall be granted within the requirements of Subsection A and for a time period and under conditions consistent with the reasons therefore, and within the following limitations:

(1) If the variance is granted on the ground that there is no practicable means known or available for the adequate prevention, abatement or control of the pollution involved, it shall be only until the necessary means for prevention, abatement or control become known and available and subject to the taking of any substitute or alternate measure that the Board may prescribe.

(2) If the variance is granted on the ground that compliance with the particular requirements or requirement from which variance is sought will require the taking of measures which, because of their extent or cost, must be spread over a considerable period of time, it shall be for a period not to exceed such reasonable times as, in the view of the Board, is requisite for the taking of the necessary measures. A variance granted on the ground specified herein shall contain a timetable for the taking of the necessary measures. A variance granted on the

ground specified herein shall contain a timetable for the taking of action in an expeditious manner and shall be conditioned on adherence to such timetable.

(3) If the variance is granted on the ground that it is justified to relieve or prevent hardship of a kind other than that provided for in Item 1 and 2 it shall be for not more than one (1) year.

(d) Any variance granted pursuant to this action may be renewed on terms and conditions and for periods which would be appropriate on initial granting of a variance. If complaint is made to the Board on account of the variance, no renewal shall be granted unless, following a public hearing on the complaint on due notice, the Board finds that renewal is justified. No renewal shall be granted except on application therefor. Any such application shall be made at least sixty (60) days prior to the expiration of the variance. Immediately upon receipt of any application for renewal, the Board shall give public notice of such application in accordance with rules and regulations of the Board.

(e) A variance or renewal shall not be a right of the applicant or holder thereof but shall be at the discretion of the Board. Any applicant adversely affected by the denial or the terms and conditions of the granting of an application for a variance or renewal of a variance by the Board, may obtain judicial review thereof only under the provisions of the Washington Clean Air Act.

(f) Nothing in this section and no variance or renewal granted pursuant hereto shall be construed to prevent or limit the application of the emergency provisions and procedures of RCW 70.94.415 of the Washington Clean Air Act to any person or his property. (RCW 70.94.181)

ARTICLE IV

(3.0)

REGISTRATION

(3.0)

SECTION 4.01 REGISTRATION REQUIRED

The classes of air contaminant sources listed in Exhibit "R" which is listed below and made a part hereof, as now constituted or as hereafter amended, shall be registered with the Authority by January 1970.

(3.0)

SECTION 4.02 GENERAL REQUIREMENTS FOR REGISTRATION

(a) Registration of an installation shall be made by the owner or lessee of the source, or his agent, on forms furnished by the Authority. The owner of the source shall be responsible for registration and the correctness of the information submitted.

(b) A separate registration shall be required for each source of contaminant, provided that, an owner has the option to register a process with a detailed inventory of contaminant sources and emissions related to said process; provided further that, an owner need not make a separate registration for identical units of equipment or control apparatus installed, altered or operated in an identical manner on the same premises.

(c) Each registration shall be signed by the owner or lessee, or the agent for such owner or lessee.

EXHIBIT R

(a) Fuel-burning equipment which:

  (1) Is in multiple-family dwellings serving 5 or more families.

  (2) Has a BTU input of more than 400,000 BTU per hour.

(b) Packers and mixers of agricultural chemical (fertilizer concentrates, etc.).

(c) Asphalt and asphalt products.

(d) Bedding manufacturers.

(e) Brick and clay products (tiles, etc.).

(f) Concrete product manufacturers and ready mix.

(g) Casting and foundries.

(h) Mills, seed, feed and flouring.

(i) Lumber mills.

(j) Mill products (cabinet works, casket works, and wood by-products).

(k) Paper manufacturers.

(l) Meat packers.

(m) Rendering plants.

(n) Sand and gravel, and pre-mix.

(o) Salvage operations (scrap metal, junk).

(p) Automobile wrecking yards and fragmentizers.

(q) Paint shops.

(r) Sandblasting (except wet abrasive).

(s) Contractors - including house and building wreckers, excavation.

(t) Spraying, commercial.

(u) Plastic fabrication.

(v) Insulation manufacturer.

(w) Incinerators.

(x) Tire recappers.

(y) Metal plating.

(z) Furnace and flue cleaners.

(z1) Quarries - Stone working.

ARTICLE V

(2.0)

NOTICE OF CONSTRUCTION

(a) No person shall construct, install or establish a new air contaminant source, except those sources excluded in Section 6.09 of this Regulation, without first filing a notice of construction. Within thirty (30) days of the receipt of such notice the Board or Control Officer may require, as a condition precedent to the construction, installation or establishment of the air contaminant source or sources covered thereby, the submission of plans, specifications, and such other information as it deems necessary in order to determine whether the proposed construction, installation or establishment will be in accord with applicable rules and regulations in force pursuant to the Article. If within thirty (30) days of the receipt of plans, specifications or other information required pursuant to this Article the Board or Control Officer determines that the proposed construction, installation or establishment will not be in accord with this Article or the applicable ordinances, resolutions, rules and regulations adopted pursuant thereto, it shall issue an order for the prevention of the construction, installation or establishment of the air contaminant source or sources. Failure of such order to issue within the time prescribed herein shall be deemed a determination that the construction, installation or establishment may proceed: PROVIDED THAT, it is in accordance with the plans, specifications or other information, if any, required to be submitted.

(b) For the purposes of this Article, addition to or enlargement or replacement of an air contaminant source, or any major alteration therein, shall be construed as construction or installation or establishment of a new air contaminant source.

(c) Nothing in this Article shall be construed to authorize the Board or Control Officer to require the use of emission control equipment or other equipment, machinery or devices of any particular type, from any particular supplier, or produced by any particular manufacturer.

(d) Any features, machines and devices constituting parts of or called for by plans, specifications or other information submitted pursuant to Subarticle (a) hereof shall be maintained in good working order.

(e) The absence of an ordinance, resolution, rule or regulation, or the failure to issue an order pursuant to this Article shall not relieve any person from his obligation to comply with this Regulation or with another provision of law.

ARTICLE VI

(2.0)

EMISSIONS PROHIBITED

(51.13) ## SECTION 6.01 OPEN FIRES

(a) It shall be unlawful for any person to ignite, cause to be ignited, permit to be ignited, suffer, allow or maintain any open fire within the jurisdiction of the Authority, except for the following:

(1) Fires set for religious ceremonies, recreational purposes and the cooking of food for human consumption, provided no nuisance is created.

(2) Fires from flares, torches and waste gas burners.

(3) A Fire Chief, Fire Marshall or head of a local fire district may authorize a fire for:

(a) The disposal of dangerous materials, provided no alternate means of disposal is reasonably available.

(b) The prevention of a fire hazard, provided no alternate means of prevention is reasonably available.

(c) Instruction in the method of fighting fires or testing of fire resistive materials and fire-protective equipment.

(4) Any fire specifically exempt under RCW 70.94.250.

(5) Open fires may be allowed by permit only:

(a) Permits shall be available at local fire departments and local fire control district offices and shall be in force for one (1) year only.

(b) In areas where refuse service is available, either municipal or commercial, said permit shall be valid only for the burning of dry garden trimmings, tree clippings, lawn rakings, dry leaves and needles on the property where the material was generated and for periods not to exceed three (3) weeks in the spring and fall. The permit periods, to be designated by the Board or the Control Officer, shall be announced by public notice. Provided that no burning shall be allowed nor any burning permits issued in the area designated by the Board as a no-burn area.

(c) Only the materials noted herein shall be burned. The presence of any other material in an open fire shall constitute a violation and the person who owns or controls the property on which said violation occurs shall be subject to revocation of the permit, shall be required to extinguish the open fire and shall be subject to the penalties as set forth in Section 2.11 of this Regulation.

(d) Open fires permitted under this section shall be limited by the imposition of the following conditions:

(i) Burning only during daylight hours.

(ii) Outside fires shall be set only after a ventilation advisory from the local office of the U.S. Weather Bureau indicates that dispersion weather exists and there will not be entrapment of pollutants.

(iii) Such fires shall not interfere with any other person's health, safety and comfort.

(iv) All open fires shall comply with the laws, rules and regultions of the local fire department and all other governmental agencies who might have jurisdiction over such open fires.

(e) In rural agricultural areas where regular refuse service is not available open burning of household refuse shall be permitted, PROVIDED THAT:

(i) No garbage shall be burned.

(ii) No dead animals shall be disposed of by burning.

(iii) No material containing asphalt, petroleum products, paints, rubber products, plastic or any substance which normally emits dense smoke or obnoxious odors shall be burned.

(iv) Such fires shall not be located closer than 500 feet to any neighboring habitable dwelling nor shall smoke from such fires obscure public roadways.

(v) Open burning under this subsection shall be subject to the same limitations as all other open fires and the violations of these limitations shall subject the person who owns or controls the property on which the open fire takes place to the penalties set forth in Section 2.11 of this Regulation.

(6) If it becomes apparent at any time to the Control Officer that limitations need to be imposed to reduce smoke and prevent air pollution and/or protect property and the health, safety and comfort of persons from the effects of the burning, the Board, the Control Officer or his authorized agent shall notify the permittee and any limitation so imposed shall be treated as conditions under which the permit is issued.

(7) All open fires are prohibited and no person shall cause or allow any outdoor fire during a forecast, alert, warning or emergency stage of an air pollution episode. (These conditions are defined in RCW 70.94.715)

(b) It shall be prima facie evidence that the person who owns or controls property on which an open fire, prohibited in this Regulation, occurs has caused or allowed said open fire.

(50.1.2) SECTION 6.02 VISUAL EMISSIONS

(a) It shall be unlawful for any person to cause or allow the emission of any air contaminant into the outdoor atmosphere for an aggregate of more than three (3) minutes in any one-hour period which is:

(1) Equal to or darker in shade than designated as No. 2 (40% density) on the Ringelmann Chart as published by the United States Bureau of Mines, or

(2) Of such opacity as to obscure an observer's view to a degree equal to or greater than smoke shade No. 2 described above.

(b) It shall be unlawful for any person to cause or allow the emission of air contaminant from equipment installed subsequent to the effective date of this Regulation for a period or periods aggregating more than three (3) minutes in any one-hour period:

(1) Which is equal to or darker in shade than that designated as No. 1 (20% density) on the Ringelmann Chart as published by the United States Bureau of Mines, or

(2) Of such opacity as to obscure an observer's view to a degree equal to or greater than smoke shade No. 1 described above.

(c) The density or opacity of an air contaminant shall be measured at the point of its emission, except when the point of emission cannot be readily observed, it may be measured at an observable point on the plume nearest the point of emission. The person taking the observation shall be a trained observer.

(d) This section shall not apply when the presence of uncombined water is the only reason for the failure of an emission to meet the requirements of this section. The burden of proof to establish the quantity of uncombined water in the emission shall lie with the owner or operator who is seeking to bring the emission from his equipment or process within the requirements of Sections 6.02A or 6.02B.

(51.9) SECTION 6.03 INCINERATOR BURNING AND INCINERATION HOURS

(a) It shall be unlawful for any person to burn any combustible refuse in any incinerator within the jurisdiction of this Authority except in an approved multiple-chambered incinerator or in equipment found by the Control Officer in advance of such use to be equally effective for the purpose of air pollution control. The Control Officer may require the installation of additional control apparatus on an incinerator of approved design if he finds that it is not effectively controlling air pollution emissions or is the cause of legitimate complaints.

(b) It shall be unlawful for any person to cause or allow the operation of an incinerator at any time other than daylight hours except with the approval of the Control Officer.

(c) Approval of the Control Officer for the operation of an incinerator at other than daylight hours may be granted upon the submission of a written request stating:

(1) Full name and address of the applicant.

(2) Location of the incinerator.

(3) A description of the incinerator and its control equipment.

(4) Good cause for issuance of such approval.

(5) The hours, other than daylight hours, during which the applicant seeks to operate the equipment.

(6) The length of time for which the exception is sought.

(50.6) SECTION 6.04 ODORS AND NUISANCES

(a) Effective control apparatus and measures shall be installed and operated to reduce odor-bearing gases and particulate matter emitted into the atmosphere to a reasonable minimum.

(b) The Board or Control Officer may establish reasonable requirements that the building or equipment be closed and ventilated in such a way that all the air, gas, and particulate matter are effectively treated for removal or destruction of odorous matter or other air contaminants before emission to the atmosphere.

(50.1) SECTION 6.05 PARTICULATE MATTER AND PREVENTING PARTICULATE MATTER FROM BECOMING AIRBORNE

(a) It shall be unlawful for any person to cause or allow the discharge of particles in sufficient numbers to cause annoyance to any other person when deposited upon the real property of others, except as follows:

(1) Temporarily due to breakdown of equipment provided the breakdown is reported on the next regular working day and repairs are promptly made.

(2) The time period allowed by the Control Officer for an owner or operator to meet a compliance order.

(b) It shall be unlawful for any person to cause or permit particulate matter to be handled, transported or stored without taking reasonable precautions to prevent the particulate matter from becoming airborne.

(c) It shall be unlawful for any person to cause or permit a building or its appurtenances or a road to be constructed, altered, repaired or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne.

(50.0) SECTION 6.06 EMISSION OF AIR CONTAMINANTS OR WATER VAPOR, DETRIMENT TO PERSONS OR PROPERTY

(a) It shall be unlawful for any person to cause or permit the emission of an air contaminant or water vapor, including an air contaminant whose emission is not otherwise prohibited by this Regulation, if the air contaminant or water vapor causes detriment to the health, safety, or welfare of any person or causes damage to property or business.

(b) Nothing in this Regulation shall be construed to impair any cause of action or legal remedy thereof or any person, or the public for injury or damages arising from the emission of any air contaminant in such place, manner or concentration as to constitute air pollution or a common law nuisance.

(2.0) SECTION 6.07 EMISSION OF AIR CONTAMINANT CONCEALMENT AND MASKING RESTRICTED

(a) It shall be unlawful for any person to willfully cause or permit the installation or use of any device or use of any means which, without resulting in a reduction in the total amount of air contaminant emitted, conceals an emission of air contaminant which would otherwise violate Sections 6.04, 6.05 and 6.06 of this Article.

(b) It shall be unlawful for any person to cause or permit the installation or use of any device or use of any means designated to mask the emission of an air contaminant which causes detriment to health, safety or welfare of any person.

(7.0) SECTION 6.08 REPORT OF BREAKDOWN

(a) The owner or operator of a source which emits pollutants exceeding any of the limits established by this Regulation as a direct result of unavoidable upset conditions or unavoidable and unforeseeable breakdown of equipment or control apparatus may be exempt from penalties if:

(1) The upset or breakdown is reported to the Authority on the next regular working day.

(2) The owner or operator shall, upon request of the Control Officer, submit a report giving:

(a) The causes

(b) The steps to be taken to repair the breakdown, and

(c) A time schedule for the completion of the repairs.

(b) The Control Officer on receipt of a report (Subsection A.2) from the owner or operator describing a breakdown may:

(1) Allow continued exempt operation but only for a limited time period, after which the owner or operator will be required to comply with this Regulation or be subject to the penalties in Section 2.11. An exemption granted under this Section, 6.08, may be withdrawn if the exempt operation becomes a cause of complaints.

(2) Require that the plant curtail or cease operations until repairs are completed if the quantity of pollutants or the nature of the pollutants could cause damage.

(2.0) SECTION 6.09 EXCEPTION TO THIS ARTICLE

The following equipment is excepted from this Article:

(1) Fuel-burning equipment used exclusively for space heating in a dwelling serving less than five (5) families.

REGULATION II

SPOKANE COUNTY AIR POLLUTION CONTROL AUTHORITY

ARTICLE I

(1.0)(2.0) POLICY, SHORT TITLE AND DEFINITIONS

(2.0) SECTION 1.01 POLICY

The Spokane County Air Pollution Control Authority, coextensive with the boundaries of Spokane County, having been activated by the Washington Clean Air Act, RCW 70.94 as amended, adopts the following Regulations to control the emission of air contaminants from all sources within the jurisdiction of the Authority; to provide for the uniform administration and enforcement of this Regulation; and to carry out the requirements and purposes of the Washington Clean Air Act.

It is hereby declared to be the public policy of the Spokane County Air Pollution Control Authority to secure and maintain such levels of air quality as will protect human health and safety and, to the greatest degree practicable, prevent injury to plant and animal life and to property, foster the comfort and convenience of its inhabitants, promote the economic and industrial development of the County and enhance the recreational potential within the County.

(2.0) SECTION 1.02 NAME OF AUTHORITY

The name of the County Air Pollution Control Authority, coextensive with the boundaries of Spokane County, shall be known as the "Spokane County Air Pollution Control Authority."

(2.0) SECTION 1.03 SHORT TITLE

This regulation shall be known and cited as "Regulation II of the Spokane County Air Pollution Control Authority."

(1.0) SECTION 1.04 GENERAL DEFINITIONS

When used in Regulation II of the Spokane County Air Pollution Control Authority:

(a) Agriculture Operation means the growing of crops, the raising of fowl, animals, or bees as a gainful occupation.

(b) Air Contaminant means dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substance or any combination thereof.

(c) Air Pollution means the presence in the outside atmosphere of one or more air contaminants in sufficient quantities and of such characteristics and duration as is, or is likely to be, injurious to public welfare; to human plant, or animal life, or to property; or which unreasonably interferes with enjoyment of life and property.

(d) Ambient Air means the surrounding outside air.

(e) Authority means Spokane County Air Pollution Control Authority.

(f) Board means Board of Directors of the Spokane County Air Pollution Control Authority.

(g) Combustion means the rapid exothermic reaction to any material with oxygen.

(h) Control Equipment Means any equipment which has the primary function of regulating or controlling the emission from a process, fuel burning or refuse burning equipment and thus reduces the formation of or the emission of air contaminants into the atmosphere, or both.

(i) Control Officer means the Air Pollution Control Officer for the Spokane County Air Pollution Control Authority.

(j) Emission means a release into the outdoor atmosphere of air contaminants.

(k) Fire Department means a fire control agency such as City Fire Departments.

(l) Garbage means putrescible animal or vegetable waste resulting from the handling, preparation, cooking and serving of food.

(m) Incinerator means any article, machine, equipment, contrivance, structure, or part of a structure capable of withstanding heat and designed to reduce the solid, semi-solid, or liquid combustion.

Incinerator-Multiple Chamber means any incinerator consisting of three or more refractory-lined combustion chambers in series, physically separated by refractory walls, interconnected by gas passage ports or ducts and employing adequate design parameters necessary for maximum combustion of the material to be burned.

(n) Motor Vehicle means equipment propelled by an internal combustion engine in or upon which people or material may be transported on the ground.

(o) Odor means that property of a substance which allows its detection by the sense of smell.

(p) Open fire or Outdoor Fire means a fire where any material is burned in the open or in a receptacle other than a furnace, incinerator, or other equipment connected to a stack or chimney.

(q) Particulate Matter means any material except uncombined water that exists in a finely-divided form as a liquid or other solid at standard conditions of temperature (60° F) and pressure (14.7) pounds per square inch absolute).

(r) Person means any individual, public or private corporation, political subdivision, board, department, or bureau of municipality, partnership, association, trust, estate or other legal entity whatsoever, which is recognized by laws as the subject of rights and duties, or any officer or employee of any of the foregoing.

(s) Refuse means putrescible and non-putrescible solid wastes including garbage, rubbish, ashes, incinerator residue, dead animals, abandoned automobiles, solid market wastes, street cleanings, and solid commercial and industrial waste (including waste disposal in industrial salvage).

(t) Ringelmann Smoke Chart means the chart published and described by the U.S. Bureau of Mines Information Circular 8333.

(u) Salvage Operation means any operation conducted in whole or part, for the salvaging or reclaiming of any product or material.

(v) Smoke Means small gas-borne particles, other than water generated from combustion processes, in sufficient number to be observable.

(w) Stack means duct, chimney, flue, conduit, or opening arranged for the emission into the outdoor atmosphere of air contaminants.

(x) Single Source means any equipment, device, duct, stack, chimney, or opening which discharges air or other gases into the outdoor atmosphere.

(y) Grain means a weight unit which is equivalent to 1/7000 of a pound.

(z1) Standard Condition means at a gas temperature of 60 degrees Fahrenheit and a gas pressure of 29.92 inches of mercury, absolute.

(z2) Combustion source means any equipment which has the primary function of fuel or refuse burning.

ARTICLE II

GENERAL PROVISIONS

(2.0) SEVERABILITY AND PENALTY

(2.0) SECTION 2.01 GENERAL PROVISIONS

The general provisions cited in Section 2.01, 2.02, 2.03, 2.04, 2.05, 2.06, 2.07, 2.08, 2.09, 2.10, 2.11, 2.12 of Regulation I shall apply to Regulation II.

ARTICLE III

(5.0) VARIANCES WHEN PERMITTED

(a) Any person who owns or is in control of any plant, building, structure, establishment, process or equipment, including a group of persons who owns or controls like processes or like equipment, may apply to the Board for a variance from rules or regulations governing the quality, nature, duration, or extent or discharges of air contaminants. The application shall be accompanied by such information and data as the Board may require. The board may grant such variance, but only after public hearing or due notice, if it finds that:

(1) The emissions occurring or proposed to occur do not endanger public health or safety; and

(2) Compliance with the rules or regulations from which variances is sought would produce serious hardship without equal or greater benefits to the public.

(b) No variance shall be granted pursuant to this section until the Board had considered the relative interests of the applicant, other owners of property likely to be affected by the discharges, and the general public.

(c) Any variance or renewal thereof shall be granted within the requirements of sub-section A for a time period and under conditions consistent with the reasons therefore, and within the following limitations:

(1) If the variance is granted on the ground that there is no practicable means known or available for the adequate prevention, abatement or control of the pollution involved, it shall be only until the necessary means for prevention, abatement or control become known and available and subject to the taking of any substitute or alternate measure that the Board may prescribe.

(2) If the variance is granted on the ground that compliance with the particular requirements or requirement from which variance is sought will require the taking of measures which, because of their extent or cost, must be spread over a considerable period of time, it shall be for a period not to exceed such reasonable times as, in the view of the Board, is requisite for the taking of the necessary measures. A variance granted on the ground specified herein shall contain a timetable for the taking of action in an expeditious manner and shall be conditioned on adherence to such timetable.

(3) If the variance is granted on the ground that it is justified to relieve or prevent hardship of a kind other than that provided for in Item 1 and 2, it shall be for not more than one (1) year.

(d) Any variance granted pursuant to this section may be renewed on terms and conditions and for periods which would be appropriate on initial granting of a variance. If complaint is made to the Board on account of the variance, no renewal shall be granted unless, following a public hearing on the complaint on due notice, the Board finds that renewal is justified. No renewal shall be granted except on application therefor. Any such application shall be made at least sixty (60) days prior to the expiration of the variance. Immediately upon receipt of an application for renewal, the Board shall give public notice of such application in accordance with rules and regulations of the Board.

(e) A variance or renewal shall not be a right of the applicant or holder thereof but shall be at the discretion of the Board. Any applicant adversely affected by the denial or the terms and conditions of the granting of an application for a variance or renewal of a variance by the Board, may obtain judicial review thereof only under the provisions of Chapter 34.04 RCW as now or hereafter

(f) Nothing in this section and no variance or renewal granted pursuant hereto shall be constructed to prevent or limit the application of the emergency provisions and procedures of RCW 70.94.415 of the Washington Clean Air Act to any person or his property. (RCW 70.94.181)

ARTICLE IV

(2.0) EMISSIONS PROHIBITED

(51.1) SECTION 4.01 PARTICULATE EMISSIONS - GRAIN LOADING RESTRICTIONS

It shall be unlawful for any person to cause or allow the emission of particulate matter into the atmosphere from any single source:

(a) Which is in excess of 0.1 grains per cubic foot of gas at standard conditions for non-combustion sources.

(b) Which is in excess of 0.1 grains per cubic foot of gas calculated to 12 % of carbon dioxide (CO_2) at standard conditions for combustion. sources.

(2.0) SECTION 4.02 CONCEALMENT OR MASKING RESTRICTIONS

It shall be unlawful for any person to willfully cause or permit the installation or use of any device or use of any means which, without resulting in a reduction in the total amount of particulate matter discharged, conceals or dilutes the emissions which would otherwise violate Section 4.01 of this regulation.

(9.0) SECTION 4.03 ANALYSIS AND TESTING REQUIREMENTS

(a) The requirements of Section 4.02 shall be measured in a manner which conforms with good engineering practice and is approved by the Control Officer or in accordance with modified procedures mutually agreed upon by the equipment owner or operator and the Authority. A copy of current approved test procedures shall be kept on file in the office of the Authority.

(b) The Control Officer or his authorized agent may obtain from the owner or lessee of an emission source such information or analysis as will disclose the nature, extent, or quantity of degree of air contaminants which are or may be discharged by such a source, and type of nature of control equipment in use, when such information or analysis is available or reasonably capable of being assembled.

(c) The Control Officer or his authorized agent may require that safe access and adequate sampling facilities be provided the Authority by the owner or lessee of an emission source to be tested. The Authority must give notice of at least fifteen (15) days to the owner of the source to be tested.

(2.0) SECTION 4.04 MAXIMUM EMISSION RATE

It shall be unlawful for any person to cause or allow the discharge of particulate matter into the atmosphere from any single source which exceeds the rate of 40 pounds per hour.

ARTICLE V

(7.0)

BREAKDOWNS AND EXCEPTIONS

(7.0) **SECTION 5.01 REPORT OF BREAKDOWN**

(a) The owner or operator of a source which emits pollutants exceeding any of the limits established by this Regulation as a direct result of unavoidable upset conditions or unavoidable and unforeseeable breakdown of equipment or control apparatus may be exempt from penalties if:

(1) The upset or breakdown is reported to the Authority on the next regular working day.

(2) The owner or operator shall, upon request of the Control Officer, submit a report giving:

(i) The causes

(ii) The steps to be taken to repair the breakdown, and

(iii) A time schedule for the completion of the repairs.

(b) The Control Officer on a receipt of a report (Subsection A.2) from the owner or operator describing a breakdown may:

(1) Allow continued exempt operation but only for a limited time period, after which the owner or operator will be required to comply with this Regulation or be subject to the penalties in Section 2.11 of Regulation I. An exemption granted under this Section 5.01 may be withdrawn if the exempt operation becomes a cause of complaints.

(2) Require that the plant curtail or cease operations until repairs are completed if the quantity of pollutants or the nature of the pollutants could cause damage.

(2.0) **SECTION 5.02 EXCEPTION TO THIS ARTICLE**

The following equipment is exempt from this Article:

(1) Fuel-burning equipment used exclusively in a dwelling serving less than five (5) families.

REGULATION II

BENTON-FRANKLIN-WALLA WALLA AIR POLLUTION CONTROL AUTHORITY

(51.13)

PART D: OPEN BURNING

(2.0) SECTION 12-010 PURPOSE

This part, for the control of open burning in Benton-Franklin, and Walla Walla Counties is adopted under the provisions of chapter 70.94 RCW, as amended, in order to:

(1) Minimize the impact of emissions from open burning.

(2) Establish rules and procedures by which open burning may be conducted.

(3) Encourage the development and use of alternate methods of disposal for combustible waste materials.

(2.0) SECTION 12-020 APPLICABILITY

The provisions of this section shall apply to open burning except:

(1) Burning of field and turf grasses grown for seed (governed by chapter 18-16 WAC of state regulations).

(2) Open burning for activities subject to the permit issuing authority for the U.S. Forest Service within the forested area of Walla Walla County, except that episodal rules shall apply as outlined in section 12-035 below, and prohibited material may not be burned.

(1.0) SECTION 12-030 DEFINITIONS

As used in this section:

(1) Agricultural open burning means open burning conducted as a part of any agricultural operation: but not including yard and gardening activities associated with a residence.

(2) Commercial open burning means open burning conducted as a part of a commercial or business operation, including land clearing; but not including agricultural open burning.

(3) Critical area means an area designated by the State Department of Ecology or the authority as an area exceeding or threatening to exceed any ambient air quality standard.

(4) Department means Department of Ecology.

(5) Episode means a period when meteorological conditions are likely to occur or do occur which reduce the effective volume of air into which air contaminants are introduced and may include forecast, alert, warning or emergency state as defined in RCW 70.94.715.

(6) Land clearing means the removal of structures, trees, shrubbery or other natural vegetation from a plot of land when such clearing is for the purpose of changing the use of the cleared land.

(7) Open burning means the combustion of material in the open or in a container with no provision for the control of such combustion or the control of emissions of the combustion products.

(8) Residential open burning means burning conducted on or immediately adjacent to a residence under supervision of the owner or tenant, for disposal of yard debris or natural vegetation. The premises of a residence includes the yard property immediately adjacent to the residence which is not devoted to agricultural use other than yard and gardening activities associated with the residence.

(9) Small fire means a fire not more than four feet in diameter nor more than four feet high.

(10) Silvicultural operation means the growing of trees for commercial or recreational use, including land preparation, planting, growing and harvesting of trees.

(8.0) SECTION 12-035 EPISODES

Will be declared by the State Department of Ecology. All fire control authorities and news media will be immediately notified.

(1) No open fire shall be ignited during any stage of an episode.

(2) Any person or entity responsible for an open fire already ignited any stage of an episode is declared shall immediately proceed to extinguish the fire as soon as he learns of the existence of the episode. At the forecast such fires shall be extinguished by withholding any additional fuel from the fire during the alert stage or any succeeding stage, fires must be extinguished as quickly as possible by whatever means are best suited to this end.

(3) Fires shall not be left unattended even though weather conditions do not indicate possibility of an episodal occurrence.

(4) Permits shall be obtained from local fire authorities, who will withhold such during the episode, and cancel outstanding permits when an episode approaches.

(51.13) SECTION 12-045 PROHIBITED MATERIALS

Except as provided in WAC 18-12-055, the following material shall not be burned in any open fire:

(1) Garbage

(2) Dead Animals

(3) Asphalt

(4) Petroleum products

(5) Paints

(6) Rubber products

(7) Plastics

(8) Any substance, which normally emits dense smoke or obnoxious odors

(2.0) SECTION 12-055 EXCEPTIONS

There are no exceptions to the episode provisions WAC 18-12-035 and to section 12-035 of this regulation. Otherwise, exception to the provisions of this paragraph shall be made only as follows:

(1) Upon order of a duly authorized health officer, diseased animals and other infested material may be burned as required to prevent spreading of the infestation.

(2) Upon order of a fire protection agency and with prior concurrence of the board or the control officer, fires for the disposal of materials presenting any danger to life, property, or public welfare may be burned, provided no approved practical alternative method of disposal is available.

(3) Upon notification to the authority, fires authorized by a fire protection agency as necessary for training purposes may be burned.

(4) The following types of fires also may be burned subject to local fire regulations, provided that they do not contain prohibited materials as set forth in section 12-045.

(a) Fires for recreational, religious, ceremonial, or for like social purposes.

(b) Small fires set for hand-warming purposes on construction sites.

(51.13) SECTION 12-065 RESIDENTIAL OPEN BURNING

(1) No open fire shall be conducted on the premises of any residence:

(a) Within a critical area designated pursuant to section 12-095.

(b) During any stage of an episode (see section 12-035).

(c) Which fire contains prohibited materials, as set forth in section 12-045.

(d) Which fire contains any material other than dry natural vegetation and wood wastes generated on the premises. (In outlying areas where there is a trash collection service, dry papers may be burned but no prohibited materials to be included.)

(e) Which fire is larger than the dimension for a small fire, (four feet in diameter and four feet high maximum).

(2) Small fires on the premises of a residence may be conducted for the purposes of disposing of natural vegetation and wood wastes generated on the premises provided that

(a) None of the provisions of subsection (1) of this section are violated.

(b) Such fires do not violate any regulations of a local fire protection agency or any local county or city ordinance or resolution pertaining to nuisance abatement.

(51.13) SECTION 12-075 COMMERCIAL OPEN BURNING

(1) No permit shall be issued for commercial open burning and no commercial open burning shall be conducted:

(a) Within a critical area designated pursuant to section 12-095; the State Department of Ecology regulation.

(b) During any stage of an episode (see WAC 18-12-035).

(c) Which burning contains prohibited materials, as set forth in section 12-035 (1).

(d) Where an approved practical alternate method of disposal is readily available.

(2) No commercial open burning shall be conducted, without a permit from the local fire authority and concurrence of the Air Pollution Control Authority, within one mile of any incorporated city or town. Permits shall be withheld unless;

(a) None of the provisions of section 12-075 (1) would be violated upon burning and

(b) The applicant demonstrates that no approved practical alternate method of disposal is available; and

(c) The applicant demonstrates that burning as requested is reasonable and necessary to successfully carry out the enterprise the applicant is engaged in and

(d) The burning will not violate any regulations of a local fire protection agency designed to prevent or abate fire hazards nor provisions of any local or city ordinance or resolution pertaining to nuisances.

After July 1, 1975, no commercial open burning shall be conducted in any area without a variance issued under section 4-080 and such shall be so only if all of the requirements set forth above in this section are satisfied.

(3) Taking into consideration population concentration and local conditions affecting air quality, the authority shall condition authorizations hereunder to minimize air pollution insofar as practical; including but not limited to restricting the permissible hours of burning, restricting the size of fires, imposing requirements for good combustion practice, restricting burning to specified waste conditions.

(51.13) SECTION 12-085 AGRICULTURAL OPEN BURNING

(1) No permit shall be issued for agricultural open burning and no agricultural open burning shall be conducted:

(a) Within a critical area designated pursuant to section 12-095; the State Department of Ecology regulations.

(b) During any stage of an episode (see section 12-035).

(c) Which burning contains prohibited materials, as set forth in section 12-035 (1).

(d) Which burning contains any material other than dry natural vegetation, dormant prunings, and wood wastes generated on the property which is the burning site or which was transported to the burning site by natural means.

(2) Except as provided in subsection (3) of this section, no agricultural open burning shall be conducted without a permit from the local fire department. Permits hsall be issued only if:

(a) None of the provisions of section 12-085 (1) would be violated upon the burning; and

(b) The applicant demonstrates that burning as requested is reasonable and necessary to successfully carry out the enterprise the applicant is engaged in; and

(c) The burning will not violate any regulations of a local fire protection agency designed to prevent or abate fire hazards nor provisions of any county or city ordinance or resolution pertaining to nuisances; and

(d) Alternatively, either:

(i) The burning is necessary to control disease or insect infestation and alternate measures are not available:

(ii) The burning is necessary for the development of physiological conditions conducive to increased crop yield and alternate means are not available:

(iii) The applicant demonstrates that no approved practical alternate method of disposal is available. (see section 12-010).

In making a determination under (d), (i), (ii) above, the authority will consult with the county extension agent.

(3) Agricultural open burning may be conducted without a permit in certain areas of the district where no fire protection is established if;

(a) None of the provisions of section 12-085 (1) and (2) would be violated by the burning, and the burning is scheduled in coordination with the field board progarm of the nearest adjacent fire district.

(b) The burning is for the purpose of destroying weeds or crop residue along fence rows, ditches or waterways: Or is for the purpose of destroying weeds or crop residue from cultivated fields of one acre of less.

(4) Taking into consideration population concentration and local conditions affecting air quality, the authority and local fire authorities will conditionally approve authorizations hereunder so as to minimize air pollution insofar as practicable, such limitations including but not limited to restricting the permissible hours for burning, restricting the size of fires, imposing requirements for good combustion practice, restricting burning to specified wind conditions.

(8.0) SECTION 12-095 CRITICAL AREA DESIGNATION

(1) The State Department of Ecology will designate as critical areas those geographical areas where ambient air quality standards for suspended particulates established by WAC 18-40-030 are being exceeded or threaten to be exceeded. These designations will be based on monitoring data gathered at existing primary air monitoring stations and comprise such areas as may reasonably be included by modeling techniques.

(2) Upon receipt of such advice from the State Department of Ecology, the board will schedule public hearings on the proposed designations, and assemble relevant data including:

(a) Whether the designation should apply to the entire district, or to parts of it.

(b) Whether the designation should be seasonal or permanent.

(c) Testimony regarding the over-all situation and detailed recommendations.

(3) The board will decide whether and what restrictions are to be applied and define the critical area. If the board and the State Department of Ecology cannot agree, the state has over-riding authority to designate the areas by rule making procedure, but only after another public hearing.

(4) No open burning shall be conducted in any designated critical area.

(8.0) SECTION 12-120 SMOKE MANAGEMENT PROGRAMS

The authority will enter into arrangements with local (and particularly rural) fire departments for issuance of fire burning permits and coordination of the fires to conform to optimum smoke management principles, and to assure that no such burning is performed during episodes. These programs shall apply to:

(1) Alfalfa seed straw and chaff which is burned to control Chalcid Fly.

(2) Clover seed straw and chaff which is burned to control Chalcid Fly.

(3) Grain field stubble where the soil cannot absorb any more such material and where the county agricultural agent certifies that burning is required.

(4) Grass seed fields under the state program covered in WAC 18-16 insofar as the actual scheduling of the field burns requires coordination with other burning in the area. Collection of the fifty cents (50¢) per acre fee for the state research program will be handled by the authority as agent for the state, but actual permits will be issued by the Department of Ecology.

Fires and smoke management in the Umatilla National Forest and in a zone (2) miles along the forest boundary where the Forest Service provides fire protection will continue without change since the district ranger will receive adequate notice of episodes and related problems.

(15.0) SECTION 12-130 NOTICE OF VIOLATION

The authority may issue a notice of violation to the person or entity responsible for the fire whenever any of the following occur.

(1) Conditions are violated under which the fire was authorized.

(2) Any open fire is ignited, or if ignited is not extinguished, when the person or entity responsible for the fire is aware that any air pollution episode stage has been declared.

(3) An open fire is ignited where, under this section, such fires are prohibited or where a permit is required and no such permit has been obtained.

(4) Prohibited materials are burned in an open fire. Procedures with respect to notices of violation shall be in accordance with RCW 70.94.332 and general regulation section 130.

(2.0) SECTION 12-140 REMEDIES

Any violation of this part may be subject to any penalties or other remedy provided for in chapter 70.94 RCW.

FEDERALLY PROMULGATED
REGULATIONS

(14.0) 52.2474 General Requirements

(a) Regulation for Public Availability of Emission Data.

1. Any person who cannot obtain emission data from the Agency responsible for making emission data available to the public, as specified in the applicable plan, concerning emissions from any source subject to emission limitations which are part of the approved plan mav request that the appropriate Regional Administrator obtain and make public such data. Within 30 days after receipt of any such written request, the Regional Administrator shall require the owner or operator of any such source to submit information within 30 days on the nature and amounts of emissions from such source and any other information as may be deemed necessary by the Regional Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures that are part of the applicable plan.

2. Commencing after the initial notification by the Regional Administrator pursuant to paragraph (a) (1) of this section, the owner or operator of the source shall maintain records of the nature and amounts of emissions from such source and any other information as may be deemed necessary by the Regional Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures that are part of the plan. The information recorded shall be summarized and reported to the Regional Administrator, on forms furnished by the Regional Administrator, and shall be submitted within 45 days after the end of the reporting period. Reporting periods are January 1 to June 30 and July 1 to December 31.

3. Information recorded by the owner or operator and copies of this summarizing report submitted to the Regional Administrator shall be retained by the owner or operator for 2 years after the date on which the pertinent report is submitted.

4. Emission data obtained from owners or operators of stationary sources will be correlated with applicable emission limitations and other control measures that are part of the applicable plan and will be available at the appropriate regional office and at other locations in the state designated by the Regional Administrator.

(9.0) 52.2477 Source Surveillance

(a) The requirements of 51.19(d) of this chapter are not met with respect to the "Transportation Control Strategies" submitted on April 13, 1973, because procedures are not provided for monitoring the status of the traffic signal ortimization, heavy-duty vehicle exclusion, and inspection programs in the Puget Sound Intrastate Region and Washington's portion of the Eastern Washington-Northern Idaho Interstate Region, and of the accelerated transit program in Washington's portion of the Eastern Washington-Northern Idaho Interstate Region.

(b) A regulation for surveillance of the traffic signal optimization program approved in 52.2473, and for the regulations promulgated in 52.2485, 52.2490, and 52,2491 is contained herein.

(c) Regulation for monitoring transportation mode trends.

(1) This paragraph is applicable to the Puget Sound Intrastate Region and Washington's portion of the Eastern Washington-Northern Idaho Interstate Region.

(2) In order to assure the effectiveness of the inspection and maintenance program and the retrofit devices required under 52.2485, 52.2490, and 52.2491, the State of Washington shall monitor the actual per-vehicle emission reductions occurring as a result of such sections. All data obtained from such monitoring shall be included in the quarterly report submitted to the Administrator by the State of Washington in accordance with 51.7 of this chapter. The first quarterly report shall cover the period from January 1 to March 31, 1976.

(3) In order to assure the effectiveness of the traffic signal optimization program approved in 52.2473, the State of Washington shall monitor vehicle miles traveled and average vehicle speeds for each area in which the traffic signal optimization program is in effect, and during such time periods as may be appropriate to evaluate the effectiveness of such a program. All data obtained from such monitoring shall be included in the quarterly report submitted to the Administrator by the State of Washington in accordance with 51.7 of this chapter. The first quarterly report shall cover the period from January 1 to March 31, 1974. The data collected during the first quarter of calendar years 1976 and 1977 shall be submitted to the Administrator no later than 15 days after the end of such quarter. The vehicle miles traveled and vehicle speed data shall be collected on a monthly basis, and submitted in a format similar to Table 1.

TABLE 1

Time period - - - - - - - - - - -
Affected area - - - - - - - - - - -

Roadway Type	VMT or average vehicle speed	
	Vehicle type (1)	Vehicle type (2)*
Freeway - - - - - - - - - -		
Arterial - - - - - - - - -		
Collector - - - - - - - - -		

* Continue with other vehicle types as appropriate.

(4) No later than February 1, 1974, the State of Washington shall submit to the Administrator a compliance schedule to carry out the monitoring requirements in paragraph (c)(2) of this section. The compliance schedules shall include the following:

(i) The agency or agencies responsible for conducting, overseeing, and maintaining the monitoring programs.

(ii) The Administrative processes to be used.

(iii) A description of the methods to be used to collect the emissions data, vehicle miles traveled data, and vehicle speed data; a description of any modeling techniques to be used; a description of the geographical area to which the data apply; identification of the location at which the data will be collected; and the time periods during which the data will be collected.

(6.0) 52.2481 Compliance Schedules

(d) Federal Compliance Schedules

(1) Except as provided in subparagraph (9) of this paragraph, the owner or operator of any petroleum refinery subject to the

following emission limiting regulation in the Washington Implementation Plan shall comply with the compliance schedule in subparagraph (2) of this paragraph: Northwest Air Pollution Authority, Regulation II, Section 2.12, Paragraph E, where applicable (appendix B of the Washington Implementation Plan).

(2) Compliance schedule for petroleum refineries.

(i) March 1, 1974 - Complete onsite construction or installation of emission control equipment or process modification.

(ii) July 1, 1974 - Achieve compliance with the applicable regulations, and certify such compliance to the Administrator.

(iii) If a performance test is necessary for a determination as to whether compliance has been achieved, such a test must be completed by July 1, 1974. Ten days prior to such a test, notice must be given to the Administrator to afford him the opportunity to have an observer present.

(iv) Within five days after the deadline for completing increments in subdivisions (ii) and (iii) in this subparagraph, certify to the Administrator whether the increment has been met.

(3) (i) None of the above subparagraphs shall apply to a source which is presently in compliance with applicable regulations and which has certified such compliance to the Administrator by October 1, 1973. The Administrator may request whatever supporting information he considers necessary for proper certification.

(ii) Any compliance schedule adopted by the State and approved by the Administrator shall satisfy the requirements of this paragraph for the affected source.

(iii) Any owner or operator subject to a compliance schedule in this paragraph may submit to the Administrator no later than October 1, 1973, a proposed alternative compliance schedule. No such compliance schedule may provide for final compliance after the final compliance date in the applicable compliance schedule of this paragraph. If promulgated by the Administrator, such schedule shall satisfy the requirements of this paragraph for the effected source.

(4) Nothing in this paragraph shall preclude the Administrator from promulgating a separate schedule for any source to which the application of a compliance schedule in this paragraph fails to satisfy the requirements of 51.15 (b) and (c) of this chapter.

(38 FR 22751, Aug. 23, 1973, as amended at 38 FR 24342, Sept. 7, 1973)

(7.0) 52.2485 Inspection and Maintenance Program

(a) Definitions:

(1) "Inspection and maintenance program" means a program for reducing emissions from in-use gasoline-powered vehicles through identifying vehicles that need emission-control-related maintenance and requiring that such maintenance be performed.

(2) "Light-duty vehicle" means a gasoline-powered motor vehicle rated at 6,000 lb gross vehicle weight (GVW) or less.

(3) "Medium-duty vehicle" means a gasoline-powered motor vehicle rated at more than 6,000 lb GVW and less than 10,000 lb GVW.

(4) All other terms used in this section that are defined in Part 51, Appendix N, of this chapter are used herein with the meanings so defined.

(b) This regulation is applicable to light- and medium-duty vehicles in all the counties that constitute the Puget Sound Intrastate Air Quality Control Region and the light-duty vehicles in the county of Spokane in the Eastern Washington-Northern Idaho Interstate Air Quality Control Region (hereafter referred to as the Regions).

(c) The State of Washington shall establish an inspection and maintenance program applicable to all light-duty and medium-duty vehicles registered in the Regions as specified in paragraph (b) of this section that operate on public streets or highways over which it has ownership or control. The State may exempt any class or category of vehicles that the State finds is rarely used on public streets or highways (such as classic or antique vehicles). No later than April 1, 1974, the State shall submit legally adopted regulations to the Administrator establishing such a program. The regulations shall include:

(1) Provisions for inspection of all light-duty and medium-duty motor vehicles at periodic intervals no more than 1 year apart by means of an idle-mode emission test.

(2) Provisions for inspection failure criteria consistent with the failure of 50 percent of the vehicles in the first inspection cycle.

(3) Provisions to ensure that failed vehicles receive maintenance to achieve compliance with the inspection standards. These shall include sanctions against individual owners and repair facilities: retest of failed vehicles following maintenance; use of a certification program to ensure that repair facilities performing the required maintenance have the necessary equipment, parts, and knowledgeable operators to perform the tasks satisfactorily; and use of such other measures as may be necessary or appropriate.

(4) A program of enforcement to ensure that vehicles are not intentionally readjusted or modified subsequent to the inspection and/or maintenance in such a way as would cause them to no longer comply with the inspection standards. This enforcement program might include spot checks of idle adjustments and/or a suitable type of physical tagging. This program shall include appropriate penalties for violation.

(5) Provisions for beginning the first inspection cycle by August 1, 1975, and completing it by May 31, 1976.

(6) Designation of an agency or agencies responsible for conducting, overseeing, and enforcing the inspection and maintenance program.

(d) After May 31, 1976, the State shall not register or allow to operate on public streets or highways any light- or medium-duty vehicles that does not comply with the applicable standards and procedures adopted pursuant to paragraph (c) of this section. This shall not apply to the initial registration of a new motor vehicle.

(e) After May 31, 1976, no owner of a light-duty or medium-duty vehicle shall operate or allow the operation of such vehicle that does not comply with the applicable standards and procedures adopted pursuant to paragraph (c) of this section. This shall not apply to the initial registration of a new motor vehicle.

(f) The State of Washington shall submit, no later than February 1, 1974, a detailed compliance schedule showing the steps it will take to establish and enforce an inspection and maintenance program pursuant to paragraph (c) of this section, including:

(1) The text of needed statutory proposals and regulations that it will propose for adoption.

(2) The date by which the State will recommend needed legislation to the State legislature.

(3) The date by which necessary equipment will be ordered.

(4) A signed statement from the Governor or his designee identifying the sources and amounts of funds for the program. If funds cannot legally be obligated under existing statutory authority, the text of needed legislation shall be submitted.

(12.0) 52.2486 Management of Parking Supply

(a) Definitions:

(1) "Parking facility" (also called "facility") means a lot, garage, building or structure, or combination or portion thereof, in or on which motor vehicles are temporarily based.

(2) (Reserved)

(3) "Construction" means fabrication, erection, or installation of a parking facility, or any conversion of land, buildings, or structures, or portions thereof, for use as a facility.

(4) "Modification" means any change to a parking facility that increases or may increase the motor vehicle capacity of, or the motor vehicle activity associated with, such parking facility.

(5) "Commence" means to undertake a continuous program of on-site construction or modification.

(6) "Parking space" means any area or space below, above, or at ground level, open or enclosed, on-street or off-street, that is used for parking one motor vehicle at any time.

(7) "Residential parking facility" means a parking facility the use of which is limited exclusively to residents (and guests) of a residential building or group of buildings under common control and in which no commercial parking is permitted.

(8) "Seattle central business district" means the area enclosed by Yesler Way, the I-5 freeway, Eighth Avenue, Virginia Street, and the Alaska Way Viaduct. Streets forming boundaries (excluding the I-5 freeway and the Alaska Way Viaduct) shall be part of the central business district (CBD).

(9) "Spokane central business district" means the area enclosed by Trent Avenue, Monroe Street, Third Avenue, and Division Street. Streets forming boundaries shall be part of the central business district.

(b) This section shall be applicable in the Seattle and Spokane CBD's.

(c) - (e) (Reserved)

(f) All applications for approval under this section shall include the following information:

(1) Name and address of the applicant.

(2) Location and description of the parking facility.

(3) A proposed construction schedule.

(4) (Reserved)

(5) The total motor vehicle capacity before and after the construction or modification of the facility.

(6) Additional information, plans, specifications, or documents required by the Administrator.

(g) - (h) (Reserved)

(i) Each application shall be signed by the owner or operator of the facility, whose signature shall constitute an agreement that the facility shall be operated in accordance with the information submitted in the application and with applicable rules, regulations, and permit conditions.

(j) - (k) (Reserved)

(l) There shall be no increase in the number of non-residential parking spaces within the Seattle and Spokane CBD above the number present as of November 19, 1973. Any parking facility which provides or would provide vehicular ingress or egress to or from a street boundary of a CBD shall be considered included within such CBD. Any parking facility beneath a street forming a boundary shall be considered to be included within such CBD.

(m) On a semiannual basis, beginning February 15, 1974, the city of Seattle and the city of Spokane shall report to the Administrator the total number of non-residential and the total number of residential on-street and off-street parking spaces in their respective CBD's. Thereafter, such cities shall report any reduction in the number of such parking spaces to the Administrator.

(n) No person or entity, after November 19, 1973, shall commence construction or modification of any new non-residential parking facility in the Seattle or Spokane CBD, nor shall any person or entity take any action having the effect of creating new non-residential parking spaces in such CBD, unless and until such person or entity has obtained from the Administrator or from an agency approved by the Administrator a permit stating that construction, modification, or enlargement of such facility will be in compliance with paragraph (l) of this section.

(o) By May 31, 1974, each owner or operator of any parking facility located within the Seattle and Spokane CBD shall reserve 10 percent of the parking spaces in such facility for vehicles transporting three or more occupants between the hours of 7 a.m. to 7 p.m., Monday through Friday, excluding legal holidays. On or before March 1, 1974, each such owner or operator shall submit to the Administrator a detailed compliance schedule showing the steps it will take to assure compliance with this paragraph.

(p) The city of Seattle and the city of Spokane shall report to the Administrator on a semiannual basis beginning August 15, 1974, the average daily occupancy of the spaces reserved for vehicles transporting three or more occupants.

(39 FR 40857, Nov. 21, 1974)

(12.0) 52.2490 Air bleed to intake manifold retrofit

(a) Definitions:

(1) "Air bleed to intake manifold retrofit" means a system or device (such as modification to the engine's carburetor) that results in engine operation at an increased air-fuel

ratio so as to achieve reduction in exhaust emissions of hydrocarbon and carbon monoxide from 1967 and earlier light-duty vehicles of at least 21 and 58 percent, respectively, and from 1973 and earlier medium-duty vehicles of at least 15 and 30 percent, respectively.

(2) "Light-duty vehicle" means a gasoline-powered motor vehicle rated at 6,000 lb gross vehicle weight (GVW) or less.

(3) "Medium-duty vehicle" means a gasoline-powered motor vehicle rated at more than 6,000 lb GVW and less than 10,000 lb GVW.

(4) All other terms used in this section that are defined in Part 51, Appendix N. of this chapter are used herein with meanings so defined.

(b) This section is applicable to light- and medium-duty vehicles in all the counties that constitute the Puget Sound Intrastate Air Quality Control Region and is applicable to light-duty vehicles in the county of Spokane in the Eastern Washington-Northern Idaho Interstate Air Quality Control Region (hereafter referred to as the Regions).

(c) The State of Washington shall establish a retrofit program to ensure that on or before May 31, 1976, all light-duty vehicles of model years prior to 1968, and medium-duty vehicles of model years prior to 1974, registered in the Regions as specified in paragraph (b) of this section are equipped with an appropriate air bleed to intake maniford device. No later than February 1, 1974, the State of Washington shall submit to the Administrator a detailed compliance schedule showing the steps it will take to establish and enforce a retrofit program pursuant to this section, including the text of statutory proposals, regulations, and enforcement procedures that the State proposes for adoption. The compliance schedule shall also include a date by which the State shall evaluate and approve devices for use in this program. Such date shall be no later than September 30, 1974.

(d) No later than April 1, 1974, the State shall submit legally adopted regulations to the Administrator establishing such a program. The regulation shall include:

(1) Designation of an agency responsible for evaluating and approving such devices for use on vehicles subject to this section.

(2) Designation of an agency responsible for ensuring that the provisions of paragraph (d) (3) of this section are enforced.

(3) Provisions for beginning the installation of the air bleed devices by August 1, 1975, and completing the installation of the devices on all vehicles subject to this section no later than May 31, 1976.

(4) A provision that starting no later than May 31, 1976, no vehicle for which retrofit is required under this section shall pass the annual emission tests provided for by 52.2485 unless it has been first equipped with an approved air bleed to intake manifold device, which the test has shown to be installed and operating correctly. The regulations shall include test procedures and failure criteria for implementing this provision.

(5) Methods and procedures for ensuring that those installing the retrofit devices have the training and ability to perform the needed tasks satisfactorily and have an adequate supply of retrofit components.

(e) After May 31, 1976, the State shall not register or allow to operate on its streets or highways any gasoline-powered vehicle that does not comply with the appliable standards and procedures adopted pursuant to paragraph (d) of this section.

(f) After May 31, 1976, no owner of a vehicle subject to this section shall operate or allow the operation of any such vehicle that does not comply with the applicable standards and procedures implementing this section.

(38 FR 32677, Nov. 27, 1973)

(12.0) 52.2491 Exhaust Gas Recirculation-air Bleed

(a) Definitions:

(1) "Exhaust gas recirculation (EGR)-air bleed" means a system or device (such as modification of the engine's carburetor or positive crankcase ventilation system) that results in engine operation at an increased air-fuel ratio so as to achieve reductions in exhaust emissions of hydrocarbons and carbon monoxide of 25 percent and 40 percent, respectively, from light-duty vehicles of model years 1963-1970.

(2) "Light-duty vehicle" means a gasoline-powered motor vehicle rated at 6,000 lb gross vehicle weight (GVW) or less.

(3) All other terms used in this section that are defined in Part 51, Appendix N, of this chapter are used herein with the meanings so defined.

(b) This section is applicable in all the counties that constitute the Puget Sound Intrastate Air Quality Control Region and in the county of Spokane in the Eastern Washington-Northern Idaho Interstate Air Quality Control Region (hereafter referred to as the Regions).

(c) The State of Washington shall establish a retrofit program to ensure that on or before May 31, 1976, all gasoline-powered, light-duty vehicles of model years 1968-1970, inclusive, operated on public streets and highways in the areas defined in paragraph (b) of this section, are equipped with an appropriate EGR-air bleed device. No later than February 1, 1974, the State of Washington shall submit to the Administrator a detailed compliance schedule showing the steps it will take to establish and enforce a retront program pursuant to this section, including the text of statutory proposals, regulations, and enforcement procedures that the State proposes for adoption. The compliance schedule shall also include a date by which the State shall evaluate and approve devices for us in this program. Such date shall be no later than September 30, 1974.

(d) No later than April 1, 1974, the State shall submit legally adopted regulations to the Administrator establishing such a program. The regulation shall include:

(1) Designation of an agency responsible for evaluating and approving such devices for use on vehicles subject to this section.

(2) Designation of an agency responsible for ensuring that the provisions of paragraph (d) (3) of this section are enforced.

(3) Provisions for beginning the installation of the EGR-air bleed devices by August 1, 1975, and completing the installation of the devices on all vehicles subject to this section no later than May 31, 1976.

(4) A provision that starting no later than May 31, 1976, no vehicle for which retrofit is required under this section passes the annual emission test provided for by 52.2485 unless it has been first equipped with an approved EGR-air bleed device, which the test has shown to be installed and operating correctly. The regulations shall include test procedures and failure criteria for implementing this provision.

(5) Methods and procedures for ensuring that those installing the retrofit devices have the training and ability to perform the needed tasks satisfactorily and have an adequate supply of retrofit components.

(e) After May 31, 1976, the State shall not register or allow to operate on its streets or highways any gasoline-powered, light-duty vehicle subject to this section that does not comply with the applicable standards and procedures adopted pursuant to paragraph (d) of this section.

(f) After May 31, 1976, no owner of a vehicle subject to this section shall operate or allow the operation of any such vehicle that does not comply with the applicable standards and procedures implementing this section.

(12.0) 52.2492 Computer Carpool Matching System

(a) Definitions:

(1) "Carpool matching" means assembling lists of commuters whose daily travel plans indicate they might carpool with each other and making such lists available to such commuters to aid them in forming carpools.

(2) "Computer-aided carpool matching" means a carpool matching system in which the work of assembling lists of commuters with similar daily travel patterns is done by computer.

(b) This section is applicable in all counties included in the Puget Sound Intrastate Air Quality Control Region and in the county of Spokane in the Eastern Washington-Northern Idaho Interstate Air Quality Region.

(c) By January 15, 1974, the State of Washington shall submit to the Administrator a compliance schedule showing the steps it will take, and a timetable for such steps, to develop a computerized carpool matching system pursuant to the provisions of paragraph (d) of this section.

(d) Beginning April 1, 1974, the State of Washington shall establish a computer-aided carpool matching system that is conveniently available to all employees of employers having more than 10 employees and to all students of colleges and universities within the areas designated in paragraph (b) of this section. No later than March 1, 1974, the State shall submit legally adopted regulations to the Administrator establishing such a system. The regulations shall include:

(1) A method of collecting information that will include the following as a minimum:

(i) Provisions for each affected employee or student to receive an application form with a cover letter describing the matching program.

(ii) Provisions on each application for the appliant to identify home and work locations, and time of daily departure from each, and the applicant's desire to drive only, ride only, or share driving.

(2) A computer method of matching information that will have provisions for locating each applicant's origin and destination within a grid system covering the areas to and from which affected employees commute and for matching applicants in the same origin and destination grids with compatible travel schedules.

(3) A method for providing continuing service such that the master list of all applicants is retained and available for use by new applicants, applications are currently available, and the master list is periodically updated to remove applicants who have moved from the area served.

(4) An agency or agencies responsible for operating, overseeing, and maintaining the carpool computer matching system.

(e) By September 30, 1974, the State shall submit to the Administrator a progress report indicating the number of persons utilizing the program and any revision made or to be made in the program.

(12.0) 52.2493 Transit Improvement Measures

(a) Definitions:

(1) "Transit improvement measures" means those actions or combinations of actions taken by the Metropolitan Transit Division of the Municipality of Metropolitan Seattle (METRO) and the city of Spokane to promote the attractiveness and increased use of public mass transit systems.

(2) "Park and ride lot" means a parking facility for the parking of private automobiles and bicycles of mass transit users.

(3) "Seattle central business district" means the area enclosed by Yesler Way, the I-5 freeway, Eighth Avenue, Virginia Street, and the Alaska Way Viaduct. Streets forming boundaries (excluding the I-5 freeway and the Alaska Way Viaduct) shall be part of the central business district.

(4) "Spokane central business district" means the area enclosed by Trent Avenue, Monroe Street, Third Avenue, and Division Street. Streets forming boundaries shall be part of the central business district.

(5) "Exclusive bus lane" means a lane on a street or highway for the exclusive use of buses, whether constructed expecially for that purpose or converted from an existing lane.

(6) "Downtown transit service" means regularly scheduled transit operation directly to a central business district.

(7) "Magic carpet project" means the 1-year experimental program supported by the City of Seattle and METRO of free fare transit service in the area bounded by Western Avenue, Stewart Street, Sixth Avenue, and Jackson Street as funded and authorized by City Council Resolution 102452 and METRO Council Resolution 1926.

(b) The following transit improvement measures shall be implemented by the City of Seattle and METRO:

(1) METRO shall complete at least eight park and ride lots, with a combined vehicular capacity of at least 5,000, by May 31, 1975, and additional lots with a capacity of 2,000 by May 31, 1976. No such park and ride lot shall be closer than 0.5 mile to any boundary of the Seattle central business district.

(i) METRO shall provide downtown transit service at each park and ride lot required by paragraph (b) (1) of this section.

(ii) METRO shall submit to the Administrator for his approval no later than May 31, 1974, a detailed compliance schedule showing the steps it will take to establish the park and ride lots required by this paragraph. The schedule shall contain at a minimum the following:

(a) Proposed location and vehicular capacity of each lot;

(b) Proposed dates for acquisition of land and initiation of operation;

(c) Necessary interagency agreements to implement the measure; and

(d) A statement signed by the Executive Director of METRO identifying the sources and amount of funds for each project.

(iii) On June 30, 1974, and on a semiannual basis thereafter, the Executive Director of METRO shall report to the

Administrator the progress made in implementation of the measure. Such reports shall contain, as a minimum, data on increased ridership on downtown transit service and number of vehicles using each lot.

(2) The City of Seattle and METRO shall continue the Magic Carpet Project at least until September 8, 1974. The City of Seattle and METRO shall report to the Administrator on January 30, 1974, and June 30, 1974, the daily average increased ridership in the Magic Carpet Project zone and any other information available to substantiate the effectiveness of this measure.

(3) The City of Seattle shall establish at least one exclusive bus lane running in each direction on Second Avenue and on Fourth Avenue from Denny Street to Jackson Street by January 1, 1975, or, upon obtaining the approval of the Administrator, shall establish other exclusive bus lanes within the Seattle central business district containing at least an equivalent number of miles to the system hereinbefore specified.

(i) The City of Seattle shall submit no later than January 30, 1974, a detailed compliance schedule showing the steps it will take to establish these bus lanes and to enforce the limitations on their use. The schedule shall provide for the following:

(a) Exclusive bus lanes prominently indicated by distinctive painted lines, pylons, or physical barriers and signs.

(b) Proposed ordinances or regulations to prohibit motor vehicles other than buses from operating on any exclusive bus lane. Exemptions may be specified for emergency vehicles.

(c) A signed statement by the Mayor of the City of Seattle or his designee identifying the sources and amount of funds.

(4) No later than May 31, 1974, the City of Seattle shall submit to the Administrator legally adopted regulations to implement and enforce the provisions of this paragraph.

(c) The following transit improvement measures shall be implemented by the City of Spokane:

(1) The City of Spokane shall complete at least six park and ride lots with a combined vehicular capacity of at least 2,000 by May 31, 1975. No such park and ride lot shall be closer than 0.5 mile to any boundary of the Spokane central business district.

(i) The City of Spokane shall provide downtown transit service at each park and ride lot required by paragraph (c) (1) of this section.

(ii) The City of Spokane shall submit to the Administrator for his approval, no later than May 31, 1974, a detailed compliance schedule showing the steps it will take to establish the park and ride lots required by this paragraph. The schedule shall contain at a minimum the following:

(a) Proposed location and vehicular capacity of each lot;

(b) Proposed dates for acquisition of land and initiation of operation;

(c) Necessary interagency agreements to implement the measure; and

(d) A statement signed by the Mayor of the City of Spokane identifying the source and amount of the funds for each project.

(iii) On June 30, 1974, and on a semiannual basis thereafter, the City of Spokane shall report to the Administrator the progress made in implementation of the measure. Such reports shall contain, as a minimum, data on increased ridership on downtown transit service and number of vehicles using each lot.

(12.0) 52.2494 Bike Lanes and Bike Racks

(a) Definitions:

(1) "Spokane central business district (CBD)" means the area enclosed by Trent Avenue, Monroe Street, Third Avenue, and Division Street. Streets forming boundaries shall be part of the central business district.

(2) "Bicycle" means a nonmotor-powered, 2-wheeled vehicle.

(3) "Bicycle-lane" means a route for the exclusive use of bicycles, whether constructed especially for that purpose or converted from an existing traffic lane.

(b) This section is applicable in the City of Spokane in the Eastern Washington-Northern Idaho Interstate Air Quality Control Region. Any parking facility that provides vehicular ingress or egress to or from a street forming a boundary of the CBD shall be considered included within the CBD.

(c) By May 31, 1975, the City of Spokane shall provide a two-way network of bicycle lanes in the following corridors:

(1) Approximately 4 miles of continuous two-way bicycle lanes from within 0.5 mile of the intersection of Haven Street and Wellesley Avenue to the Spokane CBD.

(2) Approximately 4 miles of continuous two-way bicycle lanes from within 0.5 miles of the intersection of 20th Avenue and Regal Street to the Spokane CBD.

(3) Approximately 4 miles of continuous two-way bicycle lanes from within 0.5 miles of the intersection of 20th Avenue and Madison Street to the Spokane CBD.

(4) Approximately 3 miles of continuous two-way bicycle lanes from within 0.5 miles of the intersection of Sprague Avenue and Freya Street to the Spokane CBD.

(5) Approximately 3 miles of continuous two-way bicycle lanes from within 0.5 miles of the intersection of Driscoll Boulevard and Garland Street to the Spokane CBD.

(6) Approximately 4 miles of continuous two-way bicycle lanes from within 0.5 miles of the intersection of Nevada Street and Wellesley Avenue to the Spokane CBD.

(d) By May 31, 1974, the City of Spokane shall submit to the Administrator, a detailed compliance schedule that shall, at a minimum, specify:

(1) The names of streets that will provide exclusive bicycle lanes and the location of any lanes to be constructed especially for bicycle use.

(2) The schedule on which the system of bicycle lanes will be established. The schedule must, at a minimum, provide for establishing 25 percent of the total mileage by September 30, 1974; 50 percent by March 31, 1975; and 100 percent by May 31, 1975.

(3) That each lane shall be at least 5 feet wide if the lanes are to be on opposite sides of the street to provide for two-way travel, or 10 feet wide if the lane for two-way travel is to be on one side of the street only. Any lane constructed for exclusive bicycle use pursuant to this section shall provide an all-weather, hard, smooth surface and shall conform to the foregoing width specifications.

(4) The methods to be used to clearly designate the bicycle lanes as being reserved for the exclusive use of bicycles (such as painted lines, pylons, or physical barriers and appropriate signs).

(5) A statement signed by the Mayor of Spokane indicating the source, amount, and adequacy of the funds to be used for carrying out the provisions of this section.

(e) No later than April 30, 1974, the City of Spokane may propose alternative corridors to those named in paragraph (c) of this section for the Administrator's approval. The Administrator shall not approve any such alternatives unless he finds that the resulting mileage of bicycle lanes will at least equal the mileage established by paragraph (c) of this section, and that the same areas are served by such alternatives.

(f) No later than July 31, 1975, every owner and operator of a parking facility (as defined in 52.2486) within the Spokane central business district shall provide bicycle parking or storage spaces contained within such facility. Each bicycle space must be equipped with a device whereby the bicycle can be secured to it. For purposes of this paragraph, any parking facility that provides vehicular ingress or egress to or from a street forming a boundary of the CBD shall be considered included within the CBD.

(b) Definitions. For the purposes of this section:

(1) "Facility" means an identifiable piece of process equipment. A stationary source is composed of one or more pollutant-emitting facilities.

(2) The phrase "Administrator" means the Administrator of the Environmental Protection Agency or his designated representative.

(3) The phrase "Federal Land Manager" means the head, or his designated representative, of any Department or Agency of the Federal Government which administers federally-owned land, including public domain lands.

(4) The phrase "Indian Reservation" means any federally-recognized reservation established by Treaty, Agreement, Executive Order, or Act of Congress.

(5) The phrase "Indian Governing Body" means the governing body of any tribe, band, or group of Indians subject to the jurisdiction of the United States and recognized by the United States as possessing power of self-government.

(6) "Construction" means fabrication, erection or installation of a stationary source.

(7) "Commenced" means that an owner or operator has undertaken a continuous program of construction or modification or that an owner or operator has entered into a contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction or modification.

(c) Area designation and deterioration increment

(1) The provisions of this paragraph have been incorporated by reference into the applicable implementation plans for various States, as provided in Subparts B through DDD of this part. Where this paragraph is so incorporated, the provisions shall also be applicable to all lands owned by the Federal Government and Indian Reservations located in such State. The provisions of this paragraph do not apply in those counties or other functionally equivalent areas that pervasively exceeded any national ambient air quality standards during 1974 for sulfur dioxide or particulate matter and then only with respect to such pollutants. States may notify the Administrator at any time of those areas which exceeded the national standards during 1974 and therefore are exempt from the requirements of this paragraph.

(2) (i) For purposes of this paragraph, areas designated as Class I or II shall be limited to the following increases in pollutant concentration occurring since January 1, 1975:

Pollutant	Area Designations Class I (ug/m^3)	Class II (ug/m^3)
Particulate matter:		
Annual geometric mean	5	10
24-hr maximum	10	30
Sulfur dioxide:		
Annual arithmetic mean	2	15
24-hr maximum	5	100
3-hr maximum	25	700

(ii) For purposes of this paragraph, areas designated as Class III shall be limited to concentrations of particulate matter and sulfur dioxide no greater than the national ambient air quality standards.

(iii) The air quality impact of sources granted approval to construct or modify prior to January 1, 1975 (pursuant to the approved new source review procedures in the plan) but not yet operating prior to January 1, 1975, shall not be counted against the air quality increments specified in paragraph (c) (2) (i) of this section.

(3) (i) All areas are designated Class II as of the effective date of this paragraph. Redesignation may be proposed by the respective States, Federal Land Manager, or Indian Governing Bodies, as provided below, subject to approval by the Administrator.

(ii) The State may submit to the Administrator a proposal to redesignate areas of the State Class I, Class II, or Class III, provided that:

(a) At least one public hearing is held in or near the area affected and this public hearing is held in accordance with procedures established in 51.4 of this chapter, and

(b) Other States, Indian Governing Bodies, and Federal Land Managers whose lands may be affected by the proposed redesignation are notified at least 30 days prior to the public hearing, and

(c) A discussion of the reasons for the proposed redesignation is available for public inspection at least 30 days prior to the hearing and the notice announcing the hearing contains appropriate notification of the availability of such discussion, and

(d) The proposed redesignation is based on the record of the State's hearing, which must reflect the basis for the proposed redesignation, including consideration of (1) growth anticipated in the area, (2) the social, environmental, and economic effects of such redesignation upon the area being proposed for redesignation and upon other areas and States, and (3) any impacts of such proposed redesignation upon regional or national interests.

(e) The redesignation is proposed after consultation with the elected leadership of local and other substate general purpose governments in the area covered by the proposed redesignation.

(iii) Except as provided in paragraph (c) (3) (iv) of this section, a State in which lands owned by the Federal Government are located may submit to the Administrator a proposal to redesignate such lands Class I, Class II, or Class III in accordance with subdivision (ii) of this subparagraph provided that:

(a) The redesignation is consistent with adjacent State and privately owned land, and

(b) Such redesignation is proposed after consultation with the Federal Land Manager.

(iv) Notwithstanding subdivision (iii) of this subparagraph, the Federal Land Manager may submit to the Administrator a proposal to redesignate any Federal lands to a more restrictive designation than would otherwise be applicable provided that:

(a) The Federal Land Manager follows procedures equivalent to those required of States under paragraph (c) (3) (ii) and,

(b) Such redesignation is proposed after consultation with the State(s) in which the Federal Land is located or which border the Federal Land.

(v) Nothing in this section is intended to convey authority to the States over Indian Reservations where States have not assumed such authority under other laws nor is it intended to deny jurisdiction which States have assumed under other laws. Where a State has not assumed jurisdiction over an Indian Reservation the appropriate Indian Governing Body may submit to the Administrator a proposal to redesignate areas Class I, Class II, or Class III, provided that:

(a) The Indian Governing Body follows procedures equivalent to those required of States under paragraph (c) (3) (ii) and,

(b) Such redesignation is proposed after consultation with the State(s) in which the Indian Reservation is located or which border the Indian Reservation and, for those lands held in trust, with the approval of the Secretary of the Interior.

(vi) The Administrator shall approve, within 90 days, any redesignation proposed pursuant to this subparagraph as follows:

(a) Any redesignation proposed pursuant to subdivisions (ii) and (iii) of this subparagraph shall be approved unless the Administrator determines (1) that the requirements of subdivisions (ii) and (iii) of this subparagraph have not been complied with, (2) that the State has arbitrarily and capriciously disregarded relevant considerations set forth in subparagraph (3) (ii) (d) of this paragraph, or (3) that the State has not requested and received delegation of responsibility for carrying out the new source review requirements of paragraphs (d) and (e) of this section.

(b) Any redesignation proposed pursuant to subdivision (iv) of this subparagraph shall be approved unless he determines (1) that the requirements of subdivision (iv) of this subparagraph have not been complied with, or (2) that the Federal Land Manager has arbitrarily and capriciously disregarded relevant considerations set forth in subparagraph (3) (ii) (d) of this paragraph.

(c) Any redesignation submitted pursuant to subdivision (v) of this subparagraph shall be approved unless he determines (1) that the requirements of subdivision (v) of this subparagraph have not been complied with, or (2) that the Indian Governing Body has arbitrarily and capriciously disregarded relevant considerations set forth in subparagraph (3) (ii) (d) of this paragraph.

(d) Any redesignation proposed pursuant to this paragraph shall be approved only after the Administrator has solicited written comments from affected Federal agencies and Indian Governing Bodies and from the public on the proposal.

(e) Any proposed redesignation protested to the proposing State, Indian Governing Body, or Federal Land Manager and to the Administrator by another State or Indian Governing Body because of the effects upon such protesting State or Indian Reservation shall be approved by the Administrator only if he determines that in his judgment the redesignation appropriately balances considerations of growth anticipated in the area proposed to be redesignated; the social, environmental and economic effects of such redesignation upon the area being redesignated and upon other areas and States; and any impacts upon regional or national interests.

(f) The requirements of paragraph (c) (3) (vi) (a) (3) that a State request and receive delegation of the new source review requirements of this section as a condition to approval of a proposed redesignation, shall include as a minimum receiving the administrative and technical functions of the new source review. The Administrator will carry out any required enforcement action in cases where the State does not have adequate legal authority to initiate such actions. The Administrator may waive the requirements of paragraph (c) (3) (vi) (a) (3) if the State Attorney-General has determined that the State cannot accept delegation of the administrative/technical functions.

(vii) If the Administrator disapproves any proposed area designation under this subparagraph, the State, Federal Land Manager or Indian Governing Body, as appropriate, may resubmit the proposal after correcting the deficiencies noted by the Administrator or reconsidering any area designation determined by the Administrator to be arbitrary and capricious.

(d) Review of new sources

(1) The provisions of this paragraph have been incorporated by reference into the applicable implementation plans for various States, as provided in Subparts B through DDD of this part. Where this paragraph is so incorporated, the requirements of this paragraph apply to any new or modified stationary source of the type identified below which has not commenced construction or modification prior to June 1, 1975 except as specifically provided below. A

source which is modified, but does not increase the amount of sulfur oxides or particulate matter emitted, or is modified to utilize an alternative fuel, or higher sulfur content fuel, shall not be subject to this paragraph.

(i) Fossil-Fuel Steam Electric Plants of more than 1000 million B.T.U. per hour heat input.

(ii) Coal Cleaning Plants.

(iii) Kraft Pulp Mills.

(iv) Portland Cement Plants.

(v) Primary Zinc Smelters.

(vi) Iron and Steel Mills.

(vii) Primary Aluminum Ore Reduction Plants.

(viii) Primary Copper Smelters.

(ix) Municipal Incinerators capable of charging more than 250 tons of refuse per 24 hour day.

(x) Sulfuric Acid Plants.

(xi) Petroleum Refineries.

(xii) Lime Plants.

(xiii) Phosphate Rock Processing Plants.

(xiv) By-Product Coke Oven Batteries.

(xv) Sulfur Recovery Plants.

(xvi) Carbon Black Plants (furnace process).

(xvii) Primary Lead Smelters.

(xviii) Fuel Conversion Plants.

(xix) Ferroalloy production facilities commencing construction after October 5, 1975.

(2) No owner or operator shall commence construction or modification of a source subject to this paragraph unless the Administrator determines that, on the basis of information submitted pursuant to subparagraph (3) of this paragraph:

(i) The effect on air quality concentration of the source or modified source, in conjunction with the effects of growth and reduction in emissions after January 1, 1975, of other sources in the area affected by the proposed source, will not violate the air quality increments applicable in the area where the source will be located nor the air quality increments applicable in any other areas. The analysis of emissions growth and reduction after January 1, 1975, of other sources in the areas affected by the proposed source shall include all new and modified sources granted approval to construct pursuant to this paragraph; reduction in emissions from existing sources which contributed to air quality during all or part of 1974; and general commercial, residential, industrial, and other sources of emissions growth not exempted by paragraph (c) (2) (111) of this section which has occurred since January 1, 1975.

(ii) The new or modified source will meet an emission limit, to be specified by the Administrator as a condition to approval, which represents that level of emission reduction which would be achieved by the application of best available control technology, as defined in 52.01 (f), for particulate matter and sulfur dioxide. If the Administrator determines that technological or economic limitations on the application of measurement methodology to a particular class of sources would make the imposition of an emission standard infeasible, he may instead prescribe a design or equipment standard requiring the application of best available control technology. Such standard shall to the degree possible set forth the emission reductions achievable by implementation of such design or equipment, and shall provide for compliance by means which achieve equivalent results.

(iii) With respect to modified sources, the requirements of subparagraph (2) (ii) of this paragraph shall be applicable only to the facility or facilities from which emissions are increased.

(3) In making the determinations required by paragraph (d) (2) of this section, the Administrator shall, as a minimum, require the owner or operator of the source subject to this paragraph to submit: site information, plans, description, specifications, and drawings showing the design of the source; information necessary to determine the impact that the construction or modification will have on sulfur dioxide and particulate matter air quality levels; and any other information necessary to determine that best available control technology will be applied. Upon request of the Administrator, the owner or operator of the source shall provide information on the nature and extent of general commercial, residential, industrial, and other growth which has occurred in the area affected by the source's emissions (such area to be specified by the

Administrator) since January 1, 1975.

(4) (i) Where a new or modified source is located on Federal Lands, such source shall be subject to the procedures set forth in paragraphs (d) and (e) of this section. Such procedures shall be in addition to applicable procedures conducted by the Federal Land Manager for administration and protection of the affected Federal Lands. Where feasible, the Administrator will coordinate his review and hearings with the Federal Land Manager to avoid duplicate administrative procedures.

(ii) New or modified sources which are located on Indian Reservations shall be subject to procedures set forth in paragraphs (d) and (e) of this section. Such procedures shall be administered by the Administrator in cooperation with the Secretary of the Interior with respect to lands over which the State has not assumed jurisdiction under other laws.

(iii) Whenever any new or modified source is subject to action by a Federal Agency which might necessitate preparation of an environmental impact statement pursuant to the National Environmental Policy Act (42 U.S.C. 4321), review by the Administrator conducted pursuant to this paragraph shall be coordinated with the broad environmental reviews under that Act, to the maximum extent feasible and reasonable.

(5) Where an owner or operator has applied for permission to construct or modify pursuant to this paragraph and the proposed source would be located in an area which has been proposed for redesignation to a more stringent class (or the State, Indian Governing Body, or Federal Land Manager has announced such consideration), approval shall not be granted until the Administrator has acted on the proposed redesignation.

(e) Procedures for public participation

(1) (i) Within 20 days after receipt of an application to construct, or any addition to such application, the Administrator shall advise the owner or operator of any deficiency in the information submitted in support of the application. In the event of such a deficiency, the date of receipt of the application for the purpose of paragraph (e) (1) (ii) of this section shall be the date on which all required information is received by the Administrator.

(ii) Within 30 days after receipt of a complete application, the Administrator shall:

(a) Make a preliminary determination whether the source should be approved, approved with conditions, or disapproved.

(b) Make available in at least one location in each region in which the proposed source would be constructed, a copy of all materials submitted by the owner or operator, a copy of the Administrator's preliminary determination and a copy or summary of other materials, if any, considered by the Administrator in making his preliminary determination; and

(c) Notify the public, by prominent advertisement in newspaper of general circulation in each region in which the proposed source would be constructed, of the opportunity for written public comment on the information submitted by the owner or operator and the Administrator's preliminary determination on the approvability of the source.

(iii) A copy of the notice required pursuant to this subparagraph shall be sent to the applicant and to officials and agencies having cognizance over the locations where the source will be situated as follows: State and local air pollution control agencies, the chief executive of the city and county; any comprehensive regional land use planning agency; and any State, Federal Land Manager or Indian Governing Body whose lands will be significantly affected by the source's emissions.

(iv) Public comments submitted in writing within 30 days after the date such information is made available shall be considered by the Administrator in making his final decision on the application. No later than 10 days after the close of the public comment period, the applicant may submit a written response to any comments submitted by the public. The Administrator shall consider the applicant's response in making his final decision. All comments shall be made available for public inspection in at least one location in the region in which the source would be located.

(v) The Administrator shall take final action on an application within 30 days after the close of the public comment period. The Administrator shall notify the applicant in writing of his approval, conditional approval, or denial of the application, and shall set forth his reasons for conditional approval or denial. Such notification shall be made available for public inspection in at least one location in the region in which the source would be located.

(vi) The Administrator may extend each of the time periods specified in paragraph (e) (1) (ii), (iv), or (v) of this section by no more than 30 days or such other period as agreed to by the applicant and the Administrator.

(2) Any owner or operator who constructs, modifies, or operates a stationary source not in accordance with the application, as approved and conditioned by the Administrator, or any owner or operator of a stationary source subject to this paragraph who commences construction or modification after June 1, 1975, without applying for and receiving approval hereunder, shall be subject to enforcement action under section 113 of the Act.

(3) Approval to construct or modify shall become invalid if construction or expansion is not commenced within 18 months after receipt of such approval or if construction is discontinued for a period of 18 months or more. The Administrator may extend such time period upon a satisfactory showing that an extension is justified.

(4) Approval to construct or modify shall not relieve any owner or operator of the responsibility to comply with the control strategy and all local, State, and Federal regulations which are part of the applicable State Implementation Plan.

(f) Delegation of authority

(1) The Administrator shall have the authority to delegate responsibility for implementing the procedures for conducting source review pursuant to paragraphs (d) and (e), in accordance with subparagraphs (2), (3), and (4) of this paragraph.

(2) Where the Administrator delegates the responsibility for implementing the procedures for conducting source review pursuant to this section to any Agency, other than a regional office of the Environmental Protection Agency, the following provisions shall apply:

(i) Where the agency designated is not an air pollution control agency, such agency shall consult with the appropriate State and local air pollution control agency prior to making any determination required by paragraph (d) of this section. Similarly, where the agency designated does not have continuing responsibilities for managing land use, such agency shall consult with the appropriate State and local agency which is primarily responsible for managing land use prior to making any determination required by paragraph (d) of this section.

(ii) A copy of the notice pursuant to paragraph (e) (1) (ii) (c) of this section shall be sent to the Administrator through the appropriate regional office.

(3) In accordance with Executive Order 11752, the Administrator's authority for implementing the procedures for conducting source review pursuant to this section shall not be delegated, other than to a regional office of the Environmental Protection Agency, for new or modified sources which are owned or operated by the Federal government or for new or modified sources located on Federal lands; except that, with respect to the latter category, where new or modified sources are constructed or operated on Federal lands pursuant to leasing or other Federal agreements, the Federal land Manager may at his discretion, to the extent permissible under applicable statutes and regulations, require the lessee or permittee to be subject to a designated State or local agency's procedures developed pursuant to paragraphs (d) and (e) of this section.

(4) The Administrator's authority for implementing the procedures for conducting source review pursuant to this section shall not be redelegated, other than to a regional office of the Environmental Protection Agency, for new or modified sources which are located on Indian reservations except where the State has assumed jurisdiction over such land under other laws, in which case the Administrator may delegate his authority to the States in accordance with subparagraphs (2), (3), and (4) of this paragraph.

(39 FR 42514, Dec. 5, 1974; 40 FR 2802, Jan. 16, 1975, as amended at 40 FR 24535, June 9, 1975; 40 FR 25005, June 12, 2975; 40 FR 42012, Sept. 10, 1975)